

OFFICE OF THE STATE FIRE MARSHAL

CALIFORNIA CODE OF REGULATIONS, TITLE 19, DIVISION 1, CHAPTER 5.5

AUTOMATIC FIRE EXTINGUISHING SYSTEMS CERTIFICATION

AMENDED INITIAL STATEMENT OF REASONS

The Office of the State Fire Marshal (OSFM) is making available for a 2nd 15-day public comment period the text of proposed regulations modified after the 15-day public comment period from July 27, 2016 to August 11, 2016. As a result of public comments and staff comments received, further modifications were made to the text of regulations and Form AES 1007, a document relied upon (AES Fire Sprinkler Fitter Certification Profile Flow Chart), as well as amendments to the small business effects and the necessity statements contained in the original 45-day Initial Statement of Reasons. The modifications and amendments are as follows:

AMENDED SECTIONS AFTER PREVIOUS 15-DAY PUBLIC COMMENT PERIOD:

923, 924, 924.1, 924.3, 924.4, 924.5, 924.7, 924.9, 924.11, 924.12, 925, 925.1, 926, 928, 929, 930, 931, 932, 933, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 946.1, 947, 948.

RENUMBERED SECTIONS AFTER PREVIOUS 15-DAY PUBLIC COMMENT PERIOD:

937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 948, 948.1, 949, 950.

DELETED SECTIONS and DELETED DOCUMENTS INCORPORATED BY REFERENCE AFTER PREVIOUS 15-DAY PUBLIC COMMENT PERIOD:

947, 947.1, 947.2.

Form AES 1008 and AES 1009.

THE FOLLOWING ARE THE SPECIFIC SECTIONS AND RATIONALE FOR THE 2nd 15-DAY MODIFICATIONS:

AMENDED DOCUMENT RELIED UPON:

AES Fire Sprinkler Fitter Certification Profile Flow Chart was amended to remove the JRTER portion.

Rationale for revision: Removed JRTER after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

AMENDED DOCUMENT INCORPORATED BY REFERENCE:

Form AES1007(12/04/15) - Sprinkler Fitter Commercial and Multi-Family Residential CEU Course Registration Application was amended to correct a reference section in the form.

Rationale for revision: As incorporated by reference, Form AES 1007(12/04/15) - Sprinkler Fitter Commercial and Multi-Family Residential CEU Course Registration Application was edited to change the reference to Section 947.1 to Section 946.1 to reflect the renumbering of the section in the regulation text.

Article 1. Administration

Section 923(a) EXCEPTION (3) was amended to remove *“where the number of components and their configurations.”*

Rationale for revision: A partial definition for “pre-engineered water-based fixed extinguishing systems,” which was included by error, was deleted. Pre-engineered fixed extinguishing systems are systems where the number of components and their configurations are included in the description of the systems approval and listing.

Article 2. Definitions.

Section 924. “A” Definitions.

Section 924(a) was amended to add *“water-based fire suppression”* in the definition of “alteration.”

Rationale for revision: Revisions to the text were made for the purpose of clarification.

924.1. “C” Definitions.

Section 924.1(a)(1) was amended to remove *“and has met the requirements in accordance with Section 946.”*

Rationale for revision: Deleted reference to Section 946 as the reference is not necessary in this subsection and for further clarification.

Section 924.1(b) was added.

Rationale for revision: The definition of “Certified Fire Sprinkler Fitter Card” was added as the term is used elsewhere in these regulations but was not defined.

Section 924.1(b) and (c) was re-lettered to 924(c) and (d).

Rationale for revision: Re-lettered as the result of the addition of Section 924.1(b).

Section 924.1(d) was amended to remove *“The act or an instance of i.”*

Rationale for revision: This phrase was removed to avoid ambiguity and does not change the intent of the section.

924.3. “F” Definitions.

Section 924.3(a) was amended to remove JRTER.

Rationale for revision: Removed JRTER after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

924.4. “I” Definitions.

Section 924.4(a) was amended to remove “, *but not limited to,*”

Rationale for revision: This phrase was removed to avoid ambiguity and does not change the intent of the section.

924.5. “J” Definitions.

Section 924.5(a), (b) was removed.

Rationale for revision: Removed JRTER after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

Section 924.5(c) was re-lettered from 924.5(a) and removed JRTER from this subsection.

Rationale for revision: Re-lettered as a result of the removal of 924.5(a) and (b). Removed JRTER after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

924.7. “M” Definitions.

Section 924.7(a) was amended to add the text “*and who has met the requirements in Section 945*” to locate the minimum requirements.

Rationale for revision: Text revision made to add the specific section number the minimum requirements for Multi-Family Residential Certification are located for ease of reference.

924.9. “R” Definitions.

Section 924.9(c) added as definition.

Rationale for revision: The definition of “Registered Fire Sprinkler Fitter Card” was added as the term is used elsewhere in these regulations but was not defined. The card allows a means to prove the individual meets the minimum qualifications and complies with these regulations.

924.11. “T” Definitions.

Section 924.11(a) was amended to change Section 938 to 937.

Rationale for revision: Section number was changed to reflect the renumbering of 938 to 937 due to the removal Section 936 in the previous 15-day comment period. The OSFM neglected to change the number this section after the removal of 936.

924.12. “W” Definitions.

Section 924.12(a) was amended to remove “*but is not limited to.*”

Rationale for revision: Text revision was made for the purpose of clarification. This phrase was removed to avoid ambiguity and does not change the intent of the section.

Article 3. General Provisions and Fee Schedule

Section 925(a) was amended to change *“Applicants shall have obtained a certification or be a registered fire sprinkler fitter”* to *“and have obtained a certification or registration card.”*

Rationale for revision: Text revision was made for clarification, consistency, and to remove any ambiguity in the subsection.

Section 925(b) was amended to add *“AES 1005 or AES 1005A.”*

Rationale for revision: Text revision was made to identify the specific form to be used.

Section 925(c) was amended to change *“or”* to *“and.”*

Rationale for revision: Text revision was made for clarification and to remove any ambiguity.

Section 925.1 was amended to remove #8 and renumber #9 to #8 as a result.

Rationale for revision: Removed JRTER after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

Section 926 was amended to remove the text *“Those who are not in a California State or federally approved apprenticeship program may supervise three (3) JRTER participants.”*

Rationale for revision: Removed JRTER after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

Article 4. Enforcement

Section 928(a) was amended to add *“the SFM, SFM Designee or AHJ and shall contain at a minimum the violator’s name, employer, certification or registration number, job location, date, and a description of the offense.”*

Rationale for revision: Text revision in Section 928(a) was made for clarification and to outline and specify the minimum information a Notice of Violation or Correction Order must contain. This information is needed to document the violation.

Section 928(b) was amended to add *“of issuance.”*

Rationale for revision: Text revision was made for clarification and to avoid ambiguity so the violator knows when the 72-hr timeframe for correction begins.

Section 929 was amended to remove *“reasonable”* and to correct a minor grammatical error.

Rationale for revision: Text revision was made for clarification and to remove any ambiguity. Minor correction made for grammatical purposes without regulatory effect.

Section 930(a) was amended to add *“issuance of a Notice of Violation or Correction Order,”* to change *“individual”* to *“violator’s,”* add *“date of issuance,”* and to change *“the”* to *“each.”*

Rationale for revision: Text revisions were made for clarification and to remove any ambiguity. The addition of *“issuance of a Notice of Correction Order”* along with *“date of issuance”* was done to clarify the start of the 15-day timeframe. *“Individual”* was changed to *“violator’s”* for clarification and to specify which individual shall be named in the written report. *“The”* was changed the *“each”* for clarification as there may be multiple offenses cited in a report.

Section 930(b) and (c) was amended to remove *“within fifteen (15) days of receipt.”*

Rationale for revision: The removal of *“within fifteen (15) days of receipt”* was done for clarification and to avoid ambiguity as subsections (b) and (c) are optional and the inclusion of a timeframe makes it a requirement.

Section 931(a) was amended to add *“apprentice/trainee”* and *“and.”*

Rationale for revision: Text revision was made for clarification and to remove any ambiguity. The unrevised text could be interpreted to mean fire sprinkler fitters are registered when apprentices and trainees are the ones registered and fire sprinkler fitters are the ones certified. The addition of *“and”* is to clarify that not only is the card subject to revocation or suspension but the individual's certification or registration status also.

Section 931(c) was amended to delete *“the appropriate”* and replace with *“a.”*

Rationale for revision: Text revisions were made for clarification and to remove any ambiguity. This amendment does not change the intent of the subsection.

Section 932(c)(4) was amended to add *“a violation of.”*

Rationale for revision: Text revision was made as it is needed to for correctness. A person cannot be convicted of a provision; therefore, *“a violation of”* is needed to clarify the intent that a person is convicted of a violation for a provision noted.

Section 933(b) was amended to add *“do the following”* to correct minor grammatical errors.

Rationale for revision: Text revisions were made for clarification, to remove any ambiguity, and for grammatical correctness without regulatory effect.

Article 5. Certification and Registration

Section 935 was amended to remove *“Application for the renewal of,” “Certification,”* and to add *“an”* in front of *Apprentice, “or Fitter Certification.”*

Rationale for revision: Text revisions were made for the purpose of differentiating registration and certification card for clarification, as well as, removing *“Application for renewal of a”* from this section as renewal information is located in section 944.

Section 936 was renumbered and amended to add *“Office of the”, “Card or a Certification Card,”* and to remove *“certification.”*

Rationale for revision: Section 937 was renumbered to 936 to reflect the removal of Section 936 in the previous 15-day comment period. The text revision added “Office of the” as the duplicate issuance of a certification/registration card is not done by the State Fire Marshal themselves but rather the Office of the State Fire Marshal and separated registration and certification card for clarification.

Section 937 was renumbered and amended to add *“Registration”* to the title of the section.

Rationale for revision: Section 938 was renumbered to 937 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936. *“Registration”* was added to the title to better reflect the subject in the section and for consistency with section 938.

Section 937(a) was amended to remove *“of the SFM JRTER.”*

Rationale for revision: Removed JRTER after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

Section 937(b) text was moved to section 937(e) and the section was amended to add *“To be registered as a trainee, an applicant shall meet the following requirements”*

Rationale for revision: The text was moved due to the restructuring of the section. Text revision was made to outline the specific requirements an applicant must meet to be registered as a trainee without having to refer to Section 945. Requirements were added to this section for ease of reference and clarification.

Section 937(b)(1) text was moved to section 937(e)(2) and the section was amended to add *“Be 16 years of age or older.”*

Rationale for revision: The text was moved due to the restructuring of the section. Text revision was made to state the requirement that an applicant must be 16 years of age to be registered as a trainee without having to refer to Section 945(a). The text is a non-substantive duplication of language from Section 945(a).

Section 937(b)(2) text was moved to section 937(d) and the section was amended to add *“Complete an Apprentice/Trainee Registration Application (AES1005A) accompanied by the fees prescribed in Section 925.1 of these regulations.”*

Rationale for revision: The text was move due to the restructuring of the section. Text revision was made to provide the specific requirement that an applicant must submit the AES1005A application and pay the applicable fee to be registered as a trainee. This text was added so a trainee applying for registration will know the specific application name and number to complete for registration.

Section 937(b)(3) text was moved to section 937(e)(1) and the section was amended to add *“Provide proof of employment with a licensed California Contractors State License Board C-16 contractor.”*

Rationale for revision: The text was moved due to the restructuring of the section. Text revision was made to provide the specific requirement that an applicant must submit proof of employment with a licensed C-16 contractor to be registered as a trainee. This text was added so a trainee applying for registration will know to prove proof of employment with a C-16 contractor.

Section 937(c) text was moved to section 937(f) and the section was amended to add *“Upon approval of 1 through 3 above, the applicant will be issued a Trainee Registration Card.”*

Rationale for revision: The text was moved due to the restructuring of the section. Text revision was made so a trainee applying for registration will know he/she must meet all 3 requirements and upon approval a Trainee Registration Card will be issued.

Section 937(d) was moved from 937(b)(2) and amended to add *“Individual’s may”* and to change *“up to”* to *“no more than”* as well as *“registering”* to *“submitting an application to the OSFM.”*

Rationale for revision: The text was moved due to the restructuring of the section. Text revision was made to add *“Individual’s may”* to distinguish that a person is not considered a “trainee” until registered, *“up to”* was changed to *“no more than”* grammatical correctness, and *“registering”* was changed to *“submitting an application to the OSFM”* to keep in line with the intent of the subsection.

Section 937(e) was moved from 937(b)(1).

Rationale for revision: The text was moved due to the restructuring of the section.

Section 937(e)(1) was moved from 937(b)(3) and amended to add *“C-16.”*

Rationale for revision: The text was moved due to the restructuring of the section. “C-16” was added to clarify the specific type of contractor a trainee may work under and to avoid ambiguity as there are many different types of CSLB contractors.

Section 937(e)(2) was moved from 937(b)(1) and amended to remove JRTER.

Rationale for revision: The text was moved due to the restructuring of the section. Removed JRTER after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

Section 937(f) was moved from 937(c).

Rationale for revision: The text was moved due to the restructuring of the section.

Section 937(g) was amended to add *“An original trainee registration shall be valid from the date of issuance through June 30th. Thereafter, each trainee registration shall be renewed annually and is valid from July 1st through June 30th.”*

Rationale for revision: This subsection was added to state the timeframes a trainee registration is valid and when it is required to be renewed. This was not previously stated in these regulations; therefore, it was added so a trainee knows exactly when his/her registration is valid and how often it is to be renewed.

Section 938 was renumbered and amended to remove *“and Renewal”* to the title of the section.

Rationale for revision: Section 939 was renumbered to 938 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936. *“And Renewal”* was removed from the title because renewal information is located in Section 944, to more accurately reflect the subject in the section, and for consistency with section 937.

Section 938(a) text was moved to 938(c) and amended to add *“To be registered as an apprentice, an applicant shall meet the following requirements:”*

Rationale for revision: The text was moved due to the restructuring of the section. Text revision was made to outline the specific requirements an applicant must meet to be registered as an apprentice without having to refer to Section 945.

Section 938(a)(1) was added and amended to include the text: *“Be 16 years of age or older.”*

Rationale for revision: Text revision was made to state the requirement that an applicant must be 16 years of age to be registered as an apprentice without having to refer to Section 945(a). The text is a non-substantive duplication of language from Section 945(a)

Section 938(a)(2) was added and amended to include the text: *“Complete an Apprentice/Trainee Registration Application (AES 1005A) accompanied by the fees prescribed in Section 925.1 of these regulations.”*

Rationale for revision: Text revision was made to provide the specific requirement that an applicant must submit the AES 1005A application and pay the applicable fee to be registered as an apprentice. This text was added so an apprentice applying for registration will know the specific application name and number to complete for registration.

Section 938(a)(3) was added and amended to include the text: *“Provide proof of acceptance into a State of California approved fire sprinkler fitter apprenticeship program.”*

Rationale for revision: Text revision was made to provide the specific requirement that an applicant must submit proof of acceptance into a State of California approved fire sprinkler fitter apprenticeship program. This text was added so an apprentice applying for registration will know to prove proof of acceptance.

Section 938(a)(4) was added and amended to include the text: *“Provide proof of employment with a licensed California Contractors State License Board C-16 contractor.”*

Rationale for revision: Text revision was made to provide the specific requirement that an applicant must submit proof of employment with a licensed C-16 contractor to be registered as an apprentice. This text was added so an apprentice applying for registration will know to prove proof of employment with a C-16 contractor.

Section 938(b) was added and amended to include the text: *“Upon approval of 1 through 4 above, the applicant will be issued an Apprentice Registration Card.”*

Rationale for revision: Text revision was made so an apprentice applying for registration will know he/she must meet all 4 requirements and upon approval an Apprentice Registration Card will be issued.

Section 938(c) text was moved to 938(e) and amended to add the text *“The apprentice shall work under the direct supervision of a Certified Fire Sprinkler Fitter at all times”* which was previous in 938(a).

Rationale for revision: The text was moved due to the restructuring of the section.

Section 938(d) was re-lettered.

Rationale for revision: The re-lettering was due to the restructuring of the section.

Section 938(e)’s text was moved from 938(c) and was not amended.

Rationale for revision: The text was moved due to the restructuring of the section.

Section 938(f) was amended to add *“An original apprentice registration shall be valid from the date of issuance through June 30th. Thereafter, each trainee registration shall be renewed annually and is valid from July 1st through June 30th.”*

Rationale for revision: This subsection was added to state the timeframes an apprentice registration is valid and when it is required to be renewed. This was not previously stated in these regulations; therefore, it was added so an apprentice knows exactly when his/her registration is valid and how often it is to be renewed.

Section 939 was renumbered and amended to remove *“and Renewal”* to the title of the section.

Rationale for revision: Section 940 was renumbered to 939 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936. *“And Renewal”* was removed from the title because renewal information is located in Section 944, to more accurately reflect the subject in the section, and for consistency with section 937.

Section 939(a) was amended to *“To be certified as a Fire Sprinkler Fitter, an applicant shall meet the following requirements:”*

Rationale for revision: The text revision was made to outline the specific requirements an applicant must meet to be certified as a Fire Sprinkler Fitter without having to refer to Section 945.

Section 939(a)(1) was added and amended to include the text: *“Be 16 years of age or older.”*

Rationale for revision: Text revision was made to state the requirement that an applicant must be 16 years of age to be certified as a Fire Sprinkler Fitter without having to refer to Section 945(a). The text is a non-substantive duplication of language from Section 945(a).

Section 939(a)(2) was added and amended to add the text: *“Complete a Sprinkler Fitter Certification Application (AES 1005) accompanied by the fees prescribed in Section 925.1 of these regulations.”*

Rationale for revision: Text revision was made to provide the specific requirement that an applicant must submit the AES 1005 application and pay the applicable fee to be registered as a certified as a Fire Sprinkler Fitter. This text was added so a fire sprinkler fitter applying for certification will know the specific application name and number to complete for certification.

Section 939(a)(3) was added and amended to add the text: *“Provide one of the following.”*

Rationale for revision: Text revision was made to outline the two documents a fire sprinkler fitter applying for certification must provide to become certified. This text was added so a fire sprinkler fitter applying for certification will know what proof he/she must provide for certification.

Section 939(a)(3)(A)’s was added and amended to include the text: *“Provide proof of completion of a State of California or federally approved fire sprinkler fitter apprenticeship program.”*

Rationale for revision: Text revision was made to provide the specific requirement that an applicant must submit proof of completion of a State of California or federally approved fire sprinkler fitter apprenticeship program. This text was added so a fire sprinkler fitter applying for certification will know to prove proof of completion.

Section 939(a)(3)(B) was added and amended to add the text: *“Proof of a valid State of California Contractors State License Board Fire Protection Contractor (C-16) License.”*

Rationale for revision: Text revision was made to provide the specific requirement that an applicant must submit proof of a valid C-16 contractor license to be certified as a fire sprinkler fitter. This text was added so a fire sprinkler fitter applying for certification will know to prove proof of a C-16 contractor license.

Section 939(a)(4) was added and amended to add the text: *“Pass a written examination.”*

Rationale for revision: Text revision was made to state the requirement that an applicant must pass a written before being certified as a Fire Sprinkler Fitter without having to refer to Section 940(a). The text is a non-substantive duplication of language from Section 940(a).

Section 939(b) was added and amended to include the text: *“Upon approval of 1 through 4 above, the applicant will be issued a Certification Card.”*

Rationale for revision: Text revision was made so a fire sprinkler fitter applying for certification will know he/she must meet all 4 requirements and, upon approval, a Certification Card will be issued.

Section 939(c) was re-lettered from 939(b) to 939(c) and “*Section 946*” was renumbered to “*Section 945*”.

Rationale for revision: The re-lettering was due to the restructuring of the section and the renumbering was to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936.

Section 938(d) was re-lettered from 939(c) to 939(d).

Rationale for revision: The re-lettering was due to the restructuring of the section.

Section 940 was renumbered from 941 to 940.

Rationale for revision: Section 941 was renumbered to 940 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936.

Section 940(b) was amended to change “*failing*” to “*who has failed*,” “*after receipt*” to “*of the date*,” “*examination*” to “*application*,” and “*application for the intended examination*” to “*Sprinkler Fitter Certification Application (AES 1005)*.”

Rationale for revision: Text revision was made to change “*failing*” to “*who has failed*” for grammatical correctness. Text revision to change “*after receipt*” to “*of the date*” to clarify that the start of the 30 days is from the date the Notice of Eligibility letter is issued and not the date the letter is received by the applicant. Text revision was made to change “*examination*” to “*application*” to clarify that the fee is for applying for certification and not for an examination. Text revision was made to provide the specific application name. This text was added so a fire sprinkler fitter re-applying for certification will know the specific application name and number to complete for certification.

Section 940(c) was amended to remove “*t*,” to add “*failed*,” and to change “*after filing a new application and paying the required fee*” to “*A new Sprinkler Fitter Certification Application (AES 1005) along with payment of applicable fees will be required at that time*.”

Rationale for revision: Text revision was made to remove “*t*” for grammatical correctness. Text revision was made to add “*failed*” to clarify from which examination the 30 days will begin. Text revision was made to provide the specific application name. This text was added so a fire sprinkler fitter re-applying for certification will know the specific application name and number to complete for certification.

Section 940(d)(1) was amended to change “*test*” to “*exam results*,” “*with*” to “*by*” added the text “*and the Office of the State Fire Marshal will provide a list of the subject areas where study is needed*,” and “*Requests shall state the name of the examinee, date of exam, and name of exam*.”

Rationale for revision: Text revision was made to change “test” to “exam results” as the review is of the exam results and not the entire test. Text revision was made to change “with” to “by” to clarify that the OSFM will conduct the review. Text revision to add “and the Office of the State Fire Marshal will provide a list of the subject areas where study is needed” to clarify the purpose of the review as this is the intent of the subsection. Text revision to add “Requests shall state the name of the examinee, date of exam, and name of exam” to outline the minimum information needed in order for the OSFM to locate and review the examinee’s exam results.

Section 940(d)(2) was amended to add “name of the examinee, date of the exam, name of exam, and.”

Rationale for revision: Text revision to add “name of the examinee, date of the exam, name of exam, and” to outline the minimum information needed in order for the OSFM to locate and review the examinee’s request.

Section 941 was renumbered and text was amended to change “T,” “R,” “C,” to “t,” “r,” “c,” amend “with” to “by”, amend “individual” to “trainee”, remove “they are” and add “pursuant to Section 932.”

Rationale for revision: Section 942 was renumbered to 941 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936. Text revisions to uncap “T,” “R,” “C”, to change “with” to “by” and to remove “they are” were made for grammatical correctness. Text revision to change “individual” to “trainee” was made to avoid ambiguity and to clarify exactly who shall carry the card. Text revision to add “pursuant to Section 932.” was made to reference the specific section suspension and revocation procedures are located.

Section 942 was renumbered and text was amended to change “A,” “R,” “C,” to “a,” “r,” “c,” “with” to “by”, “individual” to “apprentice”, remove “they are,” and add “pursuant to Section 932.”

Rationale for revision: Section 943 was renumbered to 942 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936. Text revisions to uncaps “A,” “R,” “C,” to change “with” and to remove “they are” were made for grammatical correctness. Text revision to change “individual” to “apprentice” was made to avoid ambiguity and to clarify exactly who shall carry the card. Text revision to add “pursuant to Section 932.” was made to reference the specific section suspension and revocation procedures are located.

Section 943 was renumbered and text was amended to change “C,” “C” to “c”, “c”, “with” to “by”, “individual” to “certified fitter”, remove “they are” and to add “pursuant to Section 932.”

Rationale for revision: Section 944 was renumbered to 943 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936. Text revisions to un-capitalize “C”, “C”, to change “with” to “by” and to remove “they are” were made for grammatical correctness. Text revision to change “individual” to “certified fitter” was made to avoid ambiguity and to

clarify exactly who shall carry the card. Text revision to add *“pursuant to Section 932.”* was made to reference the specific section suspension and revocation procedures are located.

Section 944 was renumbered from 945 to 944 and *“Fitter”* was added to the title.

Rationale for revision: Section 945 was renumbered to 944 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936. Text revision to add *“Fitter”* in section Title was made to clarify that the certification is for a fitter and not an apprentice. Registrations are for apprentices and certifications are for fitters.

Section 944(a) was amended to change *“Application for”* to *“Notice of,”* *“and”* to *“or Fitter,”* *“application”* to *“notice of renewal,”* *“Application for”* to *“Renewals,”* *“forms”* to *“a notice”* and added *“signed and.”*

Rationale for revision: Text revisions to change *“application”* to *“notice”* were made as certificate and registration holders will not complete an application but will be provided a notice to renew from the OSFM. The notice is a formal receipt that informs the trainee, apprentice, or fitter that it is time to renew. Text revision to add *“or Fitter”* was made to clarify that the certification is for a fitter and not an apprentice. Registrations are for apprentices and certifications are for fitters. Added *“signed and”* before accompanied by the fees...so the renewal notice signatory verifies receipt.

Section 944(b) was amended to change *“Application for”* to *“Notice of,”* *“of”* to *“for,”* *“that has expired”* to *“which has not met the time frame pursuant to Sections 937(g), 938(f), or 939(d),”* *“be considered”* to *“require,”* and to remove *“shall require.”*

Rationale for revision: Text revision to change *“Application for”* to *“Notice of”* was made to clarify that certificate and registration holders will not complete an application but will be provided a notice to renew from the OSFM. Text revision was made to change *“that has expired”* to *“which has not met the time frame pursuant to Sections 937(g), 938(f), or 939(d)”* for reference as Section 937(g), 938(f), and 938(d) contains expiration information. Text revision was made to add *“signed and”* as the notice of renew must be signed and returned by the registration/certification holder. The notice is a formal receipt that informs the trainee, apprentice, or fitter that it is time to renew.

Section 944(c) was amended to add *“proof of completion for,”* to change *“applicant”* to *“fitter,”* *“reviewed”* to *“submitted along with the notice of renewal,”* *“applicant”* to *“fitter,”* and to remove *“application for.”*

Rationale for revision: Text revision to remove *“Application for”* was made to clarify that certificate and registration holders will not complete an application but will be provided a notice to renew from the OSFM. Text revision was made to change *“applicant”* to *“fitter”* because it is the fitter who is certified and not the applicant. Text revision was made to add *“proof of completion”* and to change *“reviewed”* to *“submitted along with the notice of renewal,”* to provide the specific requirement that an applicant must submit proof of completion of CEU’s along with the notice of renewal. This text was changed so a certified fitter renewing his/her certification will know to prove proof of completion of CEU’s.

Article 6. Certification Qualifications

Article 6. Certification and Registration Qualifications was amended to delete from the title the words “and Registration”.

Rationale for revision: The Title of Article 6 was revised from the previous 15-day comment period because this section only applies to certifications and not registrations and was a typographical error.

Section 945 was renumbered from 946 to 945.

Rationale for revision: Section 946 was renumbered to 945 to reflect the removal of Section 936 in the previous 15-day comment period. The OSFM neglected to renumber this section after the removal of 936.

Section 946 was renumbered to 945 to reflect the removal of Section 936 in the previous 15-day comment period. Removed from the Title “Registration” and from Section 945(a) “and/registration” because applicants can only apply for a certification in this section.

Section 945(a) was amended to remove “and/registration.”

Rationale for revision: Text revision was made this section because only it only pertains to a person applying for a certification.

Section 945(b) was amended to add “*Sprinkler Fitter*” and “(AES 1005).”

Rationale for revision: Text revision was made to provide the specific application name and number. This text was added so a fire sprinkler fitter applying for certification will know the specific application name and number to complete for certification.

Section 945(b)(1) was amended to change “an” to “the,” “946” to “945,” and “*that training was obtained through a California State or federally approved Apprenticeship Program or has met licensing requirements for the State for the State of California Contractors State License Board Fire Protection Contractor (C-16) License*” to “*has completed a California State or federally approved Fire Sprinkler Fitter Apprenticeship Program.*”

Rationale for revision: Text revision to change “an” to “the” was made for grammatical correctness. “946” was changed to “945” as section 946 has been renumbered to 945. Text revision to the apprenticeship and C-16 requirements were done to separate the two requirements for clarification. This subsection was amended to contain the apprenticeship requirement and the C-16 requirement was moved to 945(b)(2).

Section 945(b)(2) was amended to move the text to 945(b)(3) and add the text “*Holds a valid State of California Contractors State License Board Fire Protection Contractor (C-16) License*” from 945(b)(1).

Rationale for revision: Text revision was done due to the restructuring of the section. Both the apprenticeship and C-16 qualifications were previously contain in one subsection – 946(b)(1), but was separated into sections 945(b)(1) and 945(b)(2). This was done for consistency and clarification.

Section 945(b)(3) was amended to remove *“Proof of completion of the SFM JRTER as outlined in Section 947”* and to add *“Documentation that an out-of-state applicant meets the minimum requirements of Section 945(c) or (d). Training obtained through an out-of-state apprenticeship program shall be evaluated and approved by the OSFM using the California Division of Apprenticeship Standards (DAS) - Minimum Industry Training Criteria (MITC) for Pipe Trades.”*

Rationale for revision: Text revision was made to remove JRTER, after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations. Text that was added was moved from 945(b)(2) and amended to add *“using the California Division of Apprenticeship Standards (DAS) - Minimum Industry Training Criteria (MITC) for Pipe Trades”* to specify by what standard the OSFM will use to evaluate and approve training obtained through out-of-state apprenticeship programs.

Section 945(c)(1) was amended to add *“Fire Sprinkler Fitter Apprenticeship Program and”* and removed *“and a certifying letter of experience and hours as outlined in Section 947(b); or.”*

Rationale for revision: Text revision was made for clarification and to avoid ambiguity as to which type of apprenticeship program the training hours are to be in. Text revision to remove *“and a certifying letter of experience and hours as outlined in Section 947(b); or”* because of deletion of Section 947.

Section 945(c)(2) entire text was removed.

Rationale for revision: Text revision was made to remove JRTER from previous 15-Day modifications after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations. Language from 945(c)(3) was renumber here.

Section 945(c)(3) was renumbered to 945(c)(2) and *“certified in writing on company letterhead by the Fire Sprinkler Fitter’s employer”* was amended to *“provided in a letter(s), on company letterhead, from the applicant’s current and/or former employer(s) certifying, under penalty of perjury, the applicant’s experience and hours.”*

Rationale for revision: Renumbering was due to the removal of 945(c)(2). Text revision was made to clarify the specific method by which an applicant must provide verification of his/her employment experience and hours. This is needed to avoid fraudulent reporting of employee’s experience and hours and to avoid “self-certification.”

Section 945(d)(1) was amended to add *“Fire Sprinkler Fitter Apprenticeship Program and”* and removed *“and a certifying letter of experience and hours as outlined in Section 947(b); or.”*

Rationale for revision: Text revision was made for clarification and to avoid ambiguity as to which type of apprenticeship program the training hours are to be in. Text revision

to remove *“and a certifying letter of experience and hours as outlined in Section 947(b); or.”* was done due to the removal of Section 947.

Section 945(d)(2) was removed.

Rationale for revision: Text revision was made to remove JRTER, after public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

Section 945(d)(3) was renumbered to 945(d)(2) and *“certified in writing on company letterhead by the Fire Sprinkler Fitter’s employer”* was amended to *“provided in a letter(s), on company letterhead, from the applicant’s current and/or former employer(s) certifying, under penalty of perjury, the applicant’s experience and hours.”*

Rationale for revision: Renumbering was due to the removal of 945(d)(2). Text revision was made to clarify the specific method by which an applicant must provide verification of his/her employment experience and hours. This is needed to avoid fraudulent reporting of employee’s experience and hours and to avoid “self-certification.”

Section 945(e) was amended to change *“Proof of prior certification for applicants who have been certified but allowed certification to lapse. Such applicants shall take an examination without meeting the requirements of (b), (c) or (d) above”* to *“Applicants who have been certified but allowed their certification to lapse, shall provide proof of prior certification, and shall take an examination without meeting the requirements of (b), (c) or (d) above.”*

Rationale for revision: Text revision was made to better clarify the intent of this subsection. This subsection is intended to allow individuals who have previously been certified, to become re-certified after taking an examination without having to provide their qualifications again.

Section 945(f) was amended to change *“all Apprentice/Trainee certifications and registrations”* to *“Trainee and Apprentice Registrations and Fitter Certifications,”* *“and be accessible on the”* to *“to the,”* and to remove *“all aspects of.”*

Rationale for revision: Text revision was made for clarification and to avoid ambiguity. Revision was made to distinguish the difference between trainee/apprentice registration and fitter certification. Trainees and apprentices become registered and fitters become certified, trainees and apprentices do not become certified. Text revision was made to remove *“all aspects of”* as this phrase is confusing.

Section 945(g) was amended to change *“shall”* to *“may.”*

Rationale for revision: Text revision was made as the OSFM determined that it is better suited to provide the information optionally rather than mandatorily.

Sections 947, 947.1, and 947.2 text were removed.

Rationale for revision: Text revisions removed all JRTER language and references. After public comment and consultation, the OSFM has determined the State would be

better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

Section 946 was renumbered from 948 to 946 and text was amended to change “*State Fire Marshal approved*” to “*American National Standards Institute/International Association of Continuing Education and Training (ANSI/IACET) accredited,*” and “*compliance*” to “*completion.*”

Rationale for revision: Section 948 was renumbered to 946 to reflect the removal of Section 936 in the previous 15-day comment period and the removal of 947, 947.1, and 947.2 in this modification. The OSFM neglected to renumber this section after the removal of 936. Text revisions were made to clarify that CEU courses must be accredited by the American National Standards Institute/International Association of Continuing Education and Training (ANSI/IACET). The OSFM will only list the CEU courses and does not accredit them. Text revision was made to change “*compliance*” to “*completion*” as one cannot provide proof of compliance of a course but proof of completion of a course.

Section 946.1 was renumbered from 948.1 to 946.1.

Rationale for revision: Section 948.1 was renumbered to 946.1 to reflect the removal of Section 936 in the previous 15-day comment period, and the removal of 947, 947.1, and 947.2 in this modification. The OSFM neglected to renumber this section after the removal of 936.

Section 946.1(a) was amended to change “*located*” to “*posted.*”

Rationale for revision: Text revision was made for clarification and to avoid ambiguity. “*located*” makes it appear that the training course may be completed on the OSFM website when the OSFM is only posting the course information on its website.

Section 946.1(b)(1) was amended to change “*application*” to “*Sprinkler Fitter Commercial and Multi-Family Residential CEU Course Registration Application (AES 1007)*”

Rationale for revision: Text revision was made to provide the specific application name and number. This text was added so a course provider applying for registration will know the specific application name and number to complete for registration.

Section 946.1(b)(2) was amended to un-capitalize “*A,*” “*T,*” and “*L.*”

Rationale for revision: Text revisions were made for grammatical correctness and has no regulatory effect.

Section 946.1(b)(3) was amended to un-capitalize “*A,*” “*T,*” and “*L.*”

Rationale for revision: Text revisions were made for grammatical correctness and has not regulatory effect.

Section 946.1(c) was amended to add “*American National Standards Institute (ANSI).*”

Rationale for revision: Text revision was made to provide the full name of the accrediting institution.

Section 947 Implementation Period was renumbered from 949 to 947 and “*and Historical Recognition*” was removed from the title.

Rationale for revision: Section 949 was renumbered to 947 to reflect the removal of Section 936 in the previous 15-day comment period, and the removal of 947, 947.1, and 947.2 in this modification. The OSFM neglected to renumber this section after the removal of 936. Text revision to remove “*and Historical Recognition*” from the title because the phrase is vague and does not properly portray the intent of the section.

Section 947(a) was amended to separate this subsection into two subsections.

“*Journeyman Fire Sprinkler Fitters or those who possess an active State of California Contractor State License Board Fire Protection Contractor (C-16) License or those who are employed by a C-16 contractor who meet the requirements of this Section within one hundred eighty (180) days of the effective date of this Chapter shall not be required to take an examination*” was renumbered to be 947(a)(1).

Rationale for revision: Text revision was made to separate the subsection as they the requirements in subsection (a)(1) are the specific requirements during the implementation period.

Section 947(a)(1) was amended to separate this subsection into two subsections.

“*Journeyman Fire Sprinkler Fitters or those who possess an active State of California Contractor State License Board Fire Protection Contractor (C-16) License or those who are employed by a C-16 contractor who meet the requirements of this Section within one hundred eighty (180) days of the effective date of this Chapter shall not be required to take an examination*” was renumbered to be 947(a)(1).

text was moved from 947(a) and removed “*Historical Recognition*”.

Rationale for revision: Text revision was made to define “individuals” adding “and those who are employed by a C-16 contractor” and separate into two subsections as they are the requirements in subsection (a)(1) because they are the specific requirements needed during the implementation period. Historical Recognition was removed from the section because the term was vague.

Section 947(a)(2) was re-lettered from 947(a)(1)(A) to 947(a)(2) and the specific application name was added.

Rationale for revision: Text revision was made due to the restructuring of the section. Text revision was made to provide the specific application name in (a)(2). This text was added so an applicant will know the specific application name and number to complete for certification.

Section 947(a)(2)(A) was re-lettered from 947(a)(2)(A) to 947(a)(2)(A).

Rationale for revision: Text revision was made due to the restructuring of the section.

Section 947(a)(2)(A)(i) was re-lettered from 947(a)(1)(i)(a) to 947(a)(2)(A)(i).

Rationale for revision: Text revision was made due to the restructuring of the section.

Section 947(a)(2)(A)(ii) was re-lettered from 947(a)(1)(i)(b) to 947(a)(2)(A)(ii).

Rationale for revision: Text revision was made due to the restructuring of the section.

Section 947(a)(2)(B) was re-lettered from 947(a)(1)(A)(ii) to 947(a)(2)(B).

Rationale for revision: Text revision was made due to the restructuring of the section.

Section 947(a)(2)(B)(i) was re-lettered from 947(a)(1)(A)(ii)(a) to 947(a)(2)(B)(i).

Rationale for revision: Text revision was made due to the restructuring of the section.

Section 947(a)(2)(B)(ii) was re-lettered from 947(a)(1)(A)(ii)(b) to 947(a)(2)(B)(ii).

Rationale for revision: Text revision was made due to the restructuring of the section.

Section 947(3) was amended to “*The employment hours shall be verified by letter on company letterhead certifying the experience and hours from the fire sprinkler fitter’s employer and shall be approved by the Office of the State Fire Marshal.*”

Rationale for revision: Subsection (a)(3) was added to clarify the specific method by which an applicant must provide verification of his/her employment experience and the OSFM must approved the hours to avoid “self-certification”.

Section 947(b) was re-lettered from 947(a)(2) to 947(b).

Rationale for revision: Text revision was made due to the removal of subsection 947(a)(1) and the subsequent restructuring of the section.

Section 947(c) was re-lettered from 947(a)(3) to 947(c).

Rationale for revision: Text revision was made due to the removal of subsection 947(a)(1) and the subsequent restructuring of the section. Subsection 947(c) was revised to add the text “certified sprinkler fitter” for clarification.

Section 947(d) was re-lettered from 947(a)(4) to 947(d).

Rationale for revision: Text revision was made due to the removal of subsection 947(a)(1) and the subsequent restructuring of the section with no regulatory effect.

Section 947(e) was re-lettered from 947(a)(5) to 947(e).

Rationale for revision: Text revision was made due to the removal of subsection 947(a)(1) and the subsequent restructuring of the section with no regulatory effect.

Article 7. Forms

Section 948 was renumbered from 950 to 948. The text was amended to move the revision date of the forms next to the form numbers and to remove “and” as well as, forms AES 1008 and AES 1009.

Rationale for revision: Section 950 was renumbered to 948 to reflect the removal of Section 936 in the previous 15-day comment period, and the removal of 947, 947.1, and 947.2 in this modification. The OSFM neglected to renumber this section after the removal of 936. Text revision to move the revision date of the forms next to the form numbers as this is the standard format for listing the revision date of the form. Text

revision to remove “and” was made as one can only be certified or registered and not both. Text revision to remove the JRTER applications AES 1008 and AES 1009 were made as the section pertaining to JRTER has been removed from these regulations. After public comment and consultation, the OSFM has determined the State would be better served by going back to the original framework developed by the regulations workgroup; therefore, the OFSM removed the Job Related Training and Experience Review from these regulations.

AMENDMENT TO SMALL BUSINESS EFFECTS

During the course of development of these regulations, an analysis was needed on the impact to small businesses. During that time, the State of California had approximately 2600 fire suppression specialty contractors, or C-16s. The OSFM requested that the representatives from the industry, union, and non-union provide:

- 1) how many of the 2600 contractors are small businesses (100 or fewer employees) and averaged annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years.
- 2) how many are union contractors, and
- 3) how many are non-union contractors.

The representatives did not fulfill the OSFM’s request for this information; however, the union and non-union representatives did provide a cost analysis of training and wages which can be found in the Documents Relied Upon.

In accordance with the cost analysis provided by the non-union representatives, the average annual costs of an individual enrolled in their program is \$2,150 per year over 5 years. Of the \$2,150, \$500 is for the apprenticeship program indenturement which averages out to \$100 per year over 5 years. The training costs for apprentices, which includes: monthly program fees, books, and misc. certifications, is \$2,050 per year which equates to a total of \$2,150 per person per year over 5 years. With the adoption of these regulations and an annual cost of \$150 for registration, the total cost for every new apprentice is \$2,300 per year for 5 years.

For Individuals during the implementation period: Those individuals who apply and meet the qualifications during the implementation period are not required to enroll in an apprenticeship program and their cost will only be \$150.00 per year per individual.

For those individuals who are employed by a C-16 contractor and enroll in an apprenticeship program after the implementation period: It is estimated the total cost for every new apprentice is \$2,300 per year for 5 years (average completion time of a CA fire sprinkler apprenticeship program).

AMENDED NECESSITY STATEMENTS FROM THE ORIGINAL 45-DAY INITIAL STATEMENT OF REASONS

Section 920 is being adopted to establish the authorization for the program.

Necessity: The California Administrative Procedures Act requires the OSFM to state the statutory authority granting permission to propose these regulations. California Health and Safety Code Section 13110 allows the State Fire Marshal to propose, adopt, and administer regulations for certification, registrations, and licensing while collecting a reasonable fee that they deem necessary to ensure the safety of life and property for the citizens of California.

Section 921 is being adopted to establish the title of the sub-section in Title 19 of the California Code of Regulations.

Necessity: This proposed section identifies the administrative, enforcement and oversight authority of the office of the California State Fire Marshal as the executor of Chapter 5.5, Division 1 of Title 19 of the California Code of Regulations.

Section 922 is being adopted to establish the purpose of the sub-section in Title 19 of the California Code of Regulations.

Necessity: This section is proposed to positively impact the level of quality of water-based fire protection system installations, and to enhance the assurance of California property owner's and the general public that these systems are reliable and will properly operate in order to minimize fire loss to property, and to save lives.

Section 923(a) is being adopted to establish the scope that applies for these regulations.

Necessity: This section is needed to clarify what the capacity of work a Certified/Registered Fire Sprinkler Fitter can provide on a water-based fire protection systems installation.

Section 923(a)(1) is being adopted to establish the systems that are not covered in these regulations.

Necessity: One and two-family residential homes are being excluded because those systems may be installed by other trades within the State of California per California Contractors State Licensing Board's Regulations, and the OSFM does not want to conflict with said regulations.

Section 923(a)(2) is being adopted to establish that underground water supply lines are not included in these regulations.

Necessity: Underground supply lines can be installed by other trades within the State of California per California Contractors State Licensing Board's Regulations, and the OSFM does not want to conflict with said regulations.

Section 923(a)(3) is being adopted to exclude the installation of pre-engineered water-based fixed extinguishing systems to these regulations.

Necessity: The installation of pre-engineered water-based fixed systems scope warrants its own regulations which may be addressed at a later date.

Section 924(a) is being adopted to establish the definition of Alteration.

Necessity: This definition is needed as alteration is used in defining the scope of these regulations. In addition, alteration is often confused with repair as it pertains to these systems.

Section 924(b) is being adopted to establish the definition of Apprentice.

Necessity: This definition is needed as most individuals do not know the definition of “apprentice” as one who gains hands-on experience under the supervision of a journeyman in their trade. To ensure the proper installation and functionality of water-based fire protection systems in addition to the safety of the people and property, an apprentice must gain hands-on experience while learning from trained workers, as it is the best way to learn this trade. An individual must be participating in a California State approved fire sprinkler apprenticeship program, as opposes to any other apprenticeship program, to be considered as an apprentice for the purpose of these regulations.

Section 924(c) is being adopted to establish the definition of Authority Having Jurisdiction.

Necessity: This proposed definition is added as a non-substantive duplication of code because it is repeating existing language from, California Health and Safety Code, Section 13146 as well as, Title 24, California Code of Regulations. A definition is needed because the term AHJ is required in other sections of this chapter ie. Sections 924.1, 927, 928, 929, 930 and 932.

Section 924.1(a) is being adopted to establish the definition of Certified Fire Sprinkler Fitter.

Necessity: This proposed section is to describe the criteria for “certified fire sprinkler fitter,” which needs to be satisfied in order to work on wet-system fire sprinkler installation.

Section 924.1(a)(1) is being adopted to establish the definition of Certified Fire Sprinkler Fitter.

Necessity: This proposed section is to describe the criteria for “journeyman” fire sprinkler fitter, which needs to be satisfied in order to work in a certified journey-level supervisory capacity on wet-system fire sprinkler installation. State of California Contractor State License Board Fire Protection Contractor (C-16) License holders have already met the minimum standards for the trade as established by the CSLB and are considered a “journeyman” fire sprinkler fitter in the State of California.

Section 924.1(a)(2) is being adopted to establish the definition of Certified Fire Sprinkler Fitter.

Necessity: This proposed section is to identify those who have been certified by the Office of the State Fire Marshal as opposed to those who have completed an apprenticeship program or is a CSLB C-16 license holder with other agencies.

Section 924.1(b) is being adopted to establish the definition of Certified Fire Sprinkler Fitter Card.

Necessity: A card will be issued to a certified fitter to be carried with them on all jobsites and will allow anyone a means to show proof of compliance of these regulations.

Section 924.1(c) is being adopted to establish the definition of Commercial Certification.

Necessity: This definition is needed to distinguish between commercial and multi-family residential certification. It also is to clarify who is qualified and permitted to conduct installation of Commercial water-based fire suppression systems.

Section 924.1(d) is being adopted to establish the definition of Correction Order.

Necessity: Correction Order is a term used in these regulations and, per APA, a term used for regulatory language should be defined. This definition is needed to distinguish the difference between a Correction Order, Notice of Violation, and a Notice to Appear. An infraction violation of these regulations requires either a Correction Order or Notice of Violation and the definition describes the difference between the two.

Section 924.2(a) is being adopted to establish the definition of Direct Supervision.

Necessity: This proposed definition is to describe the criteria on-site supervision is intended to describe job-specific fire sprinkler system installation oversight of “trainees” and “apprentices” by certified journey-level fire sprinkler fitter installer.

Section 924.3(a) is being adopted to establish the definition of a Fire Sprinkler Fitter.

Necessity: This proposed definition is needed classify a “Fire Sprinkler Fitter” so an individual sprinkler fitter who has complied with the certification requirements of this Chapter in Sections 937, 938, or 939 can be clear on what areas of sprinkler work are acceptable.

Section 924.4(a) is being adopted to establish the definition of Installation.

Necessity: This proposed definition is to identify those wet-system fire protection systems identified in Section 923 of this Chapter, and includes retrofits, modifications, and repairs so individuals are clear on the acceptable areas of sprinkler work.

Section 924.5(a) is being adopted to establish the definition of a Journeyman.

Necessity: This definition is needed as most individuals do not know the definition of “journeyman” as a person who has successfully completed the minimum required hours and years in a specific trade. Those who have completed a fire sprinkler fitter apprenticeship program have met this definition. The Office of the State Fire Marshal identifies those who have been previously certified by the Office of the State Fire

Marshal as a fire sprinkler fitter and considers them a “journeyman” and met the minimum requirements as opposed to those who have completed an apprenticeship program.

Section 924.6(a) is being adopted to establish the definition of a licensee.

Necessity: This proposed definition is to classify a “Licensee” defined as an individual who is a license holder with the California Contractor State License Board Fire Protection Contractor as a C-16, Fire Protection Contractor, who has complied with the registration requirements of that contracting agency so their license can be accepted to do sprinkler work in accordance with these regulations.

Section 924.7(a) is being adopted to establish the definition of Multi-family Residential Certification.

Necessity: This definition is needed to distinguish between Multi-family residential and commercial certification to clarify who is qualified and permitted to conduct installation of Multi-family residential water-based fire suppression systems.

Section 924.7(b) is being adopted to establish the definition of Multi-family residential structures.

Necessity: This proposed definition is added as a non-substantive duplication of existing language from the Government Code Section 12955.1 for the purpose of clarification. The number of units and height of the building is needed so installers are clear on the scope of work for installations they are certified in.

Section 924.8(a) is being adopted to establish the definition of Notice to Appear.

Necessity: Notice to Appear is a term used in these regulations and, per APA, a term used for regulatory language should be defined. The proposed definition is to clarify the term “Notice to Appear.” California Health and Safety Code states any violation of statute is a misdemeanor and is written on a Notice to Appear. Anyone who violates the provisions of this Chapter is in violation of Health and Safety Code Section 13110 and may receive a Notice to Appear; therefore, the term Notice to Appear must be define to clarify the differences between a misdemeanor and an infraction.

Section 924.8(b) is being adopted to establish the definition of Notice of Violation.

Necessity: Notice of Violation is a term used in these regulations and, per APA, a term used for regulatory language should be defined. The proposed definition is to clarify the term “Notice of Violation.” This definition is needed to distinguish the difference between a Correction Order, Notice of Violation, and a Notice to Appear. An infraction violation of these regulations requires either a Notice of Violation or a Correction Order and this definition describes the difference between the two. A Notice of Violation gives a timeframe to correct the problem so those in violation know what is wrong and when the violation must be completed.

Section 924.9(a) is being adopted to establish the definition of Registered Fire Sprinkler Fitter.

Necessity: Registered Fire Sprinkler Fitter is a title used in these regulations and per APA, a term used for regulatory language should be defined. This proposed definition is needed to identify those individual sprinkler fitter trainees or apprentices who have complied with the registration requirements of this Chapter, and who have been registered by the Office of the State Fire Marshal.

Section 924.9(b) is being adopted to establish the definition of Repair.

Necessity: This proposed definition is to define restoration work of a fire sprinkler system to working condition or fix damage. This definition is needed as repair is often confused with alteration or modification as it pertains to these systems.

Section 924.9(c) is being adopted to establish the definition of Registered Fire Sprinkler Fitter Card.

Necessity: A card will be issued to a Registered Fire Sprinkler Fitter to be carried with him/her on all jobsites and will allow anyone a means to see proof that the individual meets the minimum qualifications and is in compliance with these regulations.

Section 924.10(a) is being adopted to establish the definition of the State Fire Marshal.

Necessity: This proposed definition is added here without regulatory effect and is a non-substantive duplication of existing language from the California Health and Safety Code used for clarity.

Section 924.10(b) is being adopted to establish the definition of the SFM Designee.

Necessity: This proposed definition is added here without regulatory effect and is a non-substantive duplication of existing language from the California Health and Safety Code used for clarity.

Section 924.11 is being adopted to establish the definition of a Trainee.

Necessity: The proposed definition is needed to clarify the difference between a “Trainee” (who is an individual sprinkler fitter at an “entry-level” who has complied with the registration requirements of this Chapter in Section 937), opposed to an apprentice or certified individual that has more experience.

Section 924.12 is being adopted to establish the definition of Water-Based Fire Protection System.

Necessity: This definition is needed in order to specifically name the types of water-based fire protection systems that are included in the scope of these regulations encompassing all the specific adopted national standards, and to exclude, by not naming, other types of water-based fire protection systems such as engineered and pre-engineered systems.

Section 925(a) is being adopted to establish the requirements for those engaged in the installation of water based fire protection systems.

Necessity: The OSFM proposes this section to establish in regulation the requirement identified in HSC 13110 for certifications and registrations for those individuals who perform the work of installation of water-based fire protection systems. This requirement is needed to ensure those who install or work on life safety fire suppression systems in California are certified and registered prior to working on those systems. By doing so, this ensures that the minimum qualification and training requirements have been met. This will increase fire safety in all types of occupancies throughout California. The requirement of a card is needed as a card will be issued to a certified or registered fitter to be carried with them on all jobsites and will allow anyone a means to show proof of compliance of these regulations.

Section 925(b) is being adopted to establish the acceptable form of payment for the certification and registrations.

Necessity: The OSFM proposes this section to identify the specific forms acceptable to the Office of the State Fire Marshal. It establishes the requirement of submitting the necessary application and support documentation to receive a certification or registration card that will be necessary to perform this work. Forms are required to gather pertinent information about applicants to document their compliance with these regulations and to be entered in a searchable database.

Section 925(c) is being adopted to establish a fee payment is required to be accompanied with each application and that payments are made to "CAL FIRE-OSFM."

Necessity: The OSFM proposes this section as it is necessary to collect a fee along with the application to cover costs of processing the application. Processing of payments must be made payable to "CAL FIRE-OSFM" to ensure the deposit of funds to the proper account. Health and Safety Code Section 13110 authorizes the collection of funds for certification and registration.

Section 925(d) is being adopted to identify the address for submission of payment.

Necessity: The OSFM proposes this section to state the address to which the application and accompanying fees are to be delivered and processed. Currently, the cashier's unit is the only one that can accept payments and will only accept payments mail to this address.

Section 925.1 is being adopted to establish a fee schedule.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs of the program. The functions in this section are the functions of processing that will incur costs.

Section 925.1(1) is being adopted to identify the cost for sprinkler fitter certification.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs associated with certifying a sprinkler fitter. The \$150 was determined by weighing the estimated number of certified individuals (8,000) against the staff expenditures of operating the program as follows:

Staffing	893,468
FE Overhead	69,645
CALFIRE Overhead	360,000
	<hr/>
	1,323,113
Certs Fee *	8,000
Charge per cert	150
	<hr/>
Total	1,200,000

Section 925.1(2) is being adopted to identify the cost of apprentice fitter registration.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs associated with an apprentice fitter registration. The \$150 was determined by weighing the estimated number of registered individuals (8,000) against the staff expenditures of operating the program as follows:

Staffing	893,468
FE Overhead	69,645
CALFIRE Overhead	360,000
	<hr/>
	1,323,113
Certs Fee *	8,000
Charge per cert	150
	<hr/>
Total	1,200,000

Section 925.1(3) is being adopted to identify the cost of trainee fitter registration.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs associated with registering a trainee fitter. The \$150 was determined by weighing the estimated number of registered individuals (8,000) against the staff expenditures of operating the program as follows:

Staffing	893,468
FE Overhead	69,645
CALFIRE Overhead	360,000
	<hr/>
	1,323,113
Certs Fee *	8,000
Charge per cert	150

Total	1,200,000
--------------	------------------

Section 925.1(4) is being adopted to identify the cost for annual renewal.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs associated with renewing a sprinkler fitter certification or registration. The \$150 was determined by weighing the estimated number of certified/registered individuals (8,000) against the staff expenditures of operating the program as follows:

Staffing	893,468
FE Overhead	69,645
CALFIRE Overhead	360,000
	1,323,113
<hr/>	
Certs Fee *	8,000
Charge per cert	150
	<hr/>
Total	1,200,000

Section 925.1(5) is being adopted to identify the cost of replacing a certification/registration card.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs associated with reprinting a duplicate card. The \$25 was determined by adding the cost of materials, postage, and staff time.

Section 925.1(6) is being adopted to identify the cost of commercial CEU course registration.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs associated with the cost of commercial CEU course registration. The \$150 was determined by weighing the estimated number of certified individuals (8,000) against the staff expenditures of operating the program as follows:

Staffing	893,468
FE Overhead	69,645
CALFIRE Overhead	360,000
	1,323,113
<hr/>	
Certs Fee *	8,000
Charge per cert	150
	<hr/>
Total	1,200,000

Section 925.1(7) is being adopted to identify the of multi-family residential CEU course registration.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs associated with multi-family CEU course registration. The \$150 was determined by weighing the estimated number of certified individuals (8,000) against the staff expenditures of operating the program as follows:

Staffing	893,468
FE Overhead	69,645
CALFIRE Overhead	360,000
	1,323,113
Certs Fee *	8,000
Charge per cert	150
Total	1,200,000

Section 925.1(8) is being adopted to identify the late fee for renewals.

Necessity: The OSFM proposes this section as it is necessary to collect fees to cover the operating costs associated with processing a late renewal request. The 50% penalty is an OSFM standard amount used amongst all its programs.

Section 926 is being adopted to establish the ratio of certified to registered workers.

Necessity: The OSFM proposes to establish span of control for a Certified Fire Sprinkler Fitter whose company is part of one of the State approved Apprenticeship Programs will follow the guidelines as set forth by their agreement with the Division of Apprenticeship Standards and no more than two trainees. This control limit for span of control is based upon, difficulty of the tasks, education and experience of the workers, education and experience of the supervisor, and the safety of the workers. Therefore, these ratios will allow that the scope of these regulations to be met, while reducing the financial impact of both industry and therefore all end users that includes schools and government facilities in the State of California.

Section 927 is being established so the SFM or code officials has the authorizations to inspect jobsites to ensure installers are certified or registered and to issue disciplinary actions for those who are not in compliance.

Necessity: The OSFM proposes that the SFM or code officials are authorized to examine worksites to ensure of code compliance and installers are certified or registered, while allowing those code officials to provide a penalty for non-compliance.

Section 928(a) is adopted to give authorization to cite and prosecute those found out of compliance with this regulation.

Necessity: The OSFM proposes this section to aid in enforcement and accountability of those not complying with this regulation. A Notice of Violation or Correction Order must

include a minimum amount of information so the OSFM can document the responsible parties and describe the offense or violation.

Section 928(b) is adopted to give authorization to issue a stop work order if not corrected within 72 hrs.

Necessity: The OSFM proposes this section to aid in enforcement and accountability of those not complying with this regulation. A stop work order is added as a non-substantive duplication of code because it is repeating existing language from California Health and Safety Code, as well as, Title 24, California Code of Regulations. The authority for a stop work order is needed to ensure that corrections are made and work does not continue until compliance is met. The 72 hour timeframe provides adequate time for correction while maintaining consistency with all other licensing and certification programs. In addition, it has been determined from those other programs that this timeframe has been tried and tested and found to work effectively.

Section 929 is adopted to give the SFM or code officials the authorizations to stop work being performed in violation of this Chapter.

Necessity: The OSFM proposes this section to aid in enforcement and accountability of those not complying with this regulation. The stop work order is added as a non-substantive duplication of code because it is repeating existing language from California Health and Safety Code, as well as, Title 24, California Code of Regulations. This authority is granted in the Title 24, California Code of Regulations and referenced herein to reinforce the application of this authority to these regulations. The requirement of a full investigation is needed to ensure that all work being performed on the fire protection system by the violator(s) are in compliance, and to ensure fire protection systems are installed correctly. This will increase the likelihood the system will function properly when needed to save life and property.

Section 930(a) is adopted to require that local authorities taking action against a registered Trainee, Apprentice, or Certified Fire Sprinkler Fitter provide the OSFM with a written report of the action taken.

Necessity: The OSFM proposes this section to provide a mechanism for local authorities to notify the OSFM of enforcement actions taken. The OSFM needs to be notified of any action taken by the AHJ or of any violation by a registered trainee/apprentice or certified fitter so the OSFM can track habitual violators and take further disciplinary action as they deem necessary. A written report must include a minimum amount of information for the OSFM to document the responsible parties and description of the offense. The 15-day timeframe provides the AHJ adequate time to prepare the written report and submit it to the OSFM.

Section 930(b) is adopted to give the OSFM the option to forward any written report to the Division of Apprenticeship Standards (DAS).

Necessity: The OSFM needs this option to share information and coordinate with the DAS regarding apprentices who are in violation.

Section 930(c) is adopted to give the OSFM the option to forward any written report to the California Contractors State License Board (CSLB).

Necessity: The OSFM needs this option to share information and coordinate with the CSLB regarding contractors or license holders who are in violation.

Section 931(a) is adopted to provide the SFM or SFM designee the authority to revoke or suspend a certification or registration for any violation of this Chapter.

Necessity: The OSFM proposes this section to allow revocation or suspension of a certification or registration holder in order to prevent continued work by a person who has violated these regulations or has been found to be unqualified. The OSFM must have the option to revoke or suspend due to the varying degrees of severity of violations. Therefore, each violation must be reviewed on a case-by-case basis and the determination for either revocation or suspension will be based upon the severity of the violation. In determining the severity of the suspension the State Fire Marshal or designee shall consider the following factors:

- (1) The nature and severity of the violation;
- (2) The good or bad faith exhibited by the concern or their employees;
- (3) The history of previous violations;
- (4) The extent to which they have cooperated with the State Fire Marshal or the investigator;
- (5) The extent to which they have mitigated or attempted to mitigate any damage or injury caused by his/her violation;
- (6) Number and type of violations;
- (7) Any factors in extenuation or aggravation related to the violation; and
- (8) Other matters as may be appropriate.

Section 931(b) is adopted to authorize the SFM to apply a civil penalty for each violation.

Necessity: This proposed section is needed to provide the SFM the ability to assess civil penalties for violations of these regulations as set forth in the Health & Safety Code 13197.6. Instead of the OSFM suspending a certification or registration to stop working during a suspension period, a specified monetary civil penalty in lieu of suspension can be assessed. In lieu of suspending the certification or registration, which violates fire safety laws and regulations, a civil penalty for less severe violations would allow them to continue to provide installation of fire suppression systems while also providing a deterrent.

Section 931(c) is adopted to declare that each day a person performs work without a valid certification or registration constitutes a separate violation.

Necessity: The OSFM proposes this subsection as it is added as a non-substantive duplication of code because it is repeating existing language from California Health and

Safety Code. This subsection is needed as a deterrent for individuals working without a certification or registration to comply with this Chapter.

Section 931(d) is adopted to authorize the Contractors State License Board (CSLB) to discipline any CSLB license holder for violations of this Chapter.

Necessity: The OSFM proposes this section for potential consequences and penalties set forth in Section 7110 of the Business and Profession Code by the CSLB for violations of these regulations. A certified fitter or registered trainee/apprentice must work under a licensed C-16 holder; therefore, a certified fitter or registered trainee/apprentice, who violates any provision of this Chapter, is also putting the C-16 license holder at risk for non-compliance and subject to disciplinary action by the CSLB. This requirement is needed to provide the CSLB the authority to discipline a C-16 license holder for the actions of its employees who are certified or registered by the OSFM. This will ensure compliance with these regulations and the installation of fire suppression systems by qualified individuals.

Section 931(e) is adopted s for failure to comply with this regulation.

Necessity: The OSFM proposes this subsection as it is added as a non-substantive duplication of code because it is repeating existing language from California Health and Safety Code. This subsection is needed as a deterrent for individuals working without a certification or registration to comply with this Chapter. The OSFM must have the option to issue a Notice to Appear due to the varying degrees of severity of violations. Therefore, each violation's determination for a Notice to Appear will be based upon the severity of the violation. In determining the severity of the violation the State Fire Marshal or designee shall consider the following factors:

- (1) The nature and severity of the violation;
- (2) The good or bad faith exhibited by the concern or their employees;
- (3) The history of previous violations;
- (4) The extent to which they have cooperated with the State Fire Marshal or the investigator;
- (5) The extent to which they have mitigated or attempted to mitigate any damage or injury caused by his/her violation;
- (6) Number and type of violations;
- (7) Any factors in extenuation or aggravation related to the violation; and
- (8) Other matters as may be appropriate.

Section 932(a) is adopted to authorize the SFM to mandate a revocation, suspension of a certification or registration, or denial of application for certification or registration.

Necessity: The OSFM proposes this section to provide the authority granted in the Government Code for the SFM to order revocation, suspension, or denial. This authority is needed to show the SFM has the right to deny, suspend, or revoke a certificate or registration.

Section 932(b) is adopted to list consequences for failure to comply with this regulation.

Necessity: The OSFM proposes this subsection as it is added as a non-substantive duplication of code because it is repeating existing language from California Health and Safety Code. This subsection is needed as a deterrent for individuals with a certification or registration to comply with this Chapter and allows the SFM or the SFM designee adequate time to conduct an investigation.

Section 932(c) is adopted to authorize the OSFM the reasoning to revoke or deny the issuance of or renewal of a certification or registration.

Necessity: The OSFM proposes this section as it is needed to provide applicants and certificate/registration holders the specific causes for denial or revocation.

Section 932(c)(1) is adopted to authorize the OSFM to deny an application or revoke a certificate/registration if the applicant is not the real person of interest.

Necessity: The OSFM proposes this section as it is needed to prevent fraudulent misrepresentation and identity theft.

Section 932(c)(2) is adopted to authorize the SFM, SFM Designee or AHJ to revoke or deny certification or a registration holder who refuses to allow inspection of his/her card.

Necessity: The OSFM proposes this section as it is needed to prevent fraudulent misrepresentation, identity theft, and the use of invalid documents.

Section 932(c)(3) is adopted to authorize the OSFM to deny an application or revoke a certificate/registration for not possessing the required qualifications or skills.

Necessity: The OSFM proposes this section as it is needed to ensure those who install or work on life safety fire suppression systems in California are certified and registered prior to working on those systems. By doing so, this ensures that the minimum qualification and training requirements have been met. This will increase fire safety in all types of occupancies throughout California.

Section 932(c)(4) is adopted to authorize the OSFM to deny an application or revoke a certificate/registration if an applicant or holder is or has been convicted of a violation of the Health and Safety Code, Section 13112.

Necessity: The OSFM proposes this section as it is needed to ensure those who have been convicted of a misdemeanor may not be allowed to be certified or registered to install fire suppression systems throughout the State of California and ensure the safety of life and property for the citizens of California.

Section 932(c)(5) is adopted to authorize the OSFM to deny an application or revoke a certificate/registration if an applicant or holder is or has violated Health and Safety Code, Section 13112.

Necessity: The OSFM proposes this section as it is needed to ensure those who have violated the Health and Safety Code may not be allowed to be certified or registered to

install fire suppression systems throughout the State of California and ensure the safety of life and property for the citizens of California.

Section 933(a) is adopted to authorize the OSFM to deny, revoke, or suspend an application or certificate/registration for unfair business practices.

Necessity: The OSFM proposes this section as it is needed to ensure the preservation of fair competition.

Section 933(b) is adopted to authorize the OSFM the reasoning to revoke, deny, or suspend an application or certificate/registration.

Necessity: The OSFM proposes this section as it is needed to provide applicants and certificate/registration holders the specific causes for denial, suspension, or revocation due to unfair business practices.

Section 933(b)(1) is adopted to provide prospective buyers the right to know the identity of the person soliciting business.

Necessity: The OSFM proposes this section as it is needed to prevent misrepresentation and fraud by uncertified/unregistered individuals.

Section 933(b)(2) is adopted to provide prospective buyers the right to know the identity of the company being represented.

Necessity: The OSFM proposes this section as it is needed to prevent misrepresentation and fraud of companies.

Section 933(b)(3) is adopted to provide prospective buyers the right to know the specific services being provided.

Necessity: The OSFM proposes this section as it is needed to prevent misrepresentation and fraud of potential services offered.

Section 933(b)(4) is adopted to provide prospective buyers the right to verify identification of a certified or registered individual and the company they are representing.

Necessity: The OSFM proposes this section as it is needed to prevent misrepresentation and fraud of potential services offered.

Section 933(c) is adopted to provide a meaning of what a deceptive practice is.

Necessity: The OSFM proposes this section to stay consistent with enforcement language of all other programs within the OSFM and duplicate language that already exists. This is needed to avoid any confusion as to the meaning of what a deceptive practice constitutes in relation to these regulations.

Section 934 is adopted to require that an employer ensures all fire sprinkler fitters under their employment are certified and registered with the OSFM and are notified within 72-hours of any status changes of their employees.

Necessity: The OSFM proposes this section as it is needed to ensure employers only employ certified or registered fire sprinkler fitters. By notifying the OSFM of employment status, it allows the OSFM to ensure accurate employment information in their database. After weighing the employer's responsibilities, the 72-hour timeframe was determined by the Automatic Extinguishing Systems Advisory Committee and felt this is a sufficient amount of time to notify the OSFM of employees' status. Weighing their advice, the OSFM agreed with their assessment.

Section 935 is adopted to require an original application of a certified or registered individual if certification/registration has expired.

Necessity: The OSFM proposes this section as it is necessary to request the individual to complete a new application so the OSFM may re-evaluate the individual's qualifications. This also places the responsibility to maintain the validity of certificates or registrations on those who hold the credentials, otherwise without harsh consequences; the SFM would be unnecessarily burdened having to track down those who have not renewed.

Section 936 is adopted to provide the OSFM the ability to issue a duplicate registration or certification card.

Necessity: The OSFM proposes this section as it is necessary to provide a method for certification and registration holders to request a duplicate card in the event of loss, theft, damage or destruction. This will ensure that those who are installing water-based fire protection systems have a card to prove they are certified/registered as a qualified individual to perform the installation. This will also provide the SFM, SFM Designee or AHJ a means of verifying that an individual performing an installation is certified or registered by the OSFM. An application and payment of applicable fee is necessary to collect the pertinent information, for the OSFM to verify the individual is certified or registered, and for the creation of a duplicate card.

Section 937(a) is adopted to require persons not qualified or eligible to enroll as an apprentice or certify as a sprinkler fitter to register as a trainee and be allowed to work within the scope of these regulations for up to 1 year from their date of hire.

Necessity: The OSFM proposes this section as it is necessary to provide individual's not qualified or eligible to enroll as an apprentice or certify as a sprinkler fitter an entry-level method of obtaining hands-on, on-the-job training as a trainee. This entry-level method is needed to ensure adequate size of workforce for the industry and to ensure proper preparation for an individual who would like to be enrolled in an apprenticeship program or who would like to eventually be certified as a sprinkler fitter. After weighing the requirements and timeframe for enrolling in an apprenticeship program along with employer's desire to invest in their employee's continued training, the one-year

timeframe was chosen by the Automatic Extinguishing Systems Advisory Committee as a sufficient amount of time for a trainee to register as an apprentice. Weighing their advice, the OSFM agreed with their assessment.

Section 937(b) is adopted to state the minimum requirements for the OSFM to register a trainee.

Necessity: The OSFM proposes this section as it is needed to outline the specific requirements one needs to meet to become a registered trainee.

Section 937(b)(1) is adopted state the minimum age requirement.

Necessity: The OSFM proposes this section as it is necessary because the minimum age requirement per the Labor Code is 16 years of age.

Section 937(b)(2) is adopted to state the specific application form name and number an individual must complete to register as a trainee.

Necessity: The OSFM proposes this section as it is necessary to complete an application for the OSFM to gather pertinent information of the individual applying for registration and the required fees in Section 925.1 needed to process the application.

Section 937(b)(3) is adopted to state that the applicant must provide proof of employment with a licensed CSLB C-16 contractor.

Necessity: The OSFM proposes this section as it is necessary for an applicant who is registering as a trainee to be employed by a C-16. Only C-16 contractors are able to install fire suppression systems in commercial and multi-family residential buildings within the State of California.

Section 937(c) is adopted to require the OSFM to issue a Trainee Registration Card to those who have met the minimum requirements.

Necessity: The OSFM proposes this section as it is necessary to issue a trainee registration card to ensure that those who are installing water-based fire protection systems have a card to prove they are registered as an individual able to perform the installation. This will also provide the SFM, SFM Designee or AHJ a means of verifying that an individual performing installations is registered by the OSFM.

Section 937(d) is adopted to provide the timeframe trainees may work within the scope of these regulations without registering with the OSFM.

Necessity: The OSFM proposes this section as it is necessary to provide a deadline for individuals to register as a trainee and to limit the timeframe an individual may work without being registered so the individual may not work for an indefinite amount of time. This 90 day timeframe will also allow employers adequate time to determine if they are going to retain the employee.

Section 937(e) is adopted to require that a trainee work under the direct supervision of a Certified Fire Sprinkler Fitter and complete the requirements of 937(e)(1) & (2).

Necessity: The OSFM proposes this section as it is necessary for a Certified Sprinkler Fitter to supervise the trainee due to the trainee's inexperience in the trade and to describe the terms and conditions of employment.

Section 937(e)(1) is adopted to require the trainee be employed by a licensed CSLB C-16 contractor.

Necessity: The OSFM proposes this section as it is necessary for an applicant who is registering as a trainee to be employed by a C-16. Only C-16 contractors are able to install fire suppression systems in commercial and multi-family residential buildings within the State of California.

Section 937(e)(2) is adopted to require the trainee be enrolled into an approved fire sprinkler fitter apprenticeship program within one year of employment.

Necessity: The OSFM proposes this section as it is necessary to indicate the trainee position is only a temporary entry-level position. This entry-level method is needed to ensure adequate size of workforce for the industry and to ensure proper preparation of individual's who must be enrolled in an apprenticeship program or who would like to eventually be certified as a sprinkler fitter. After weighing the requirements and timeframe for enrolling in an apprenticeship program along with employer's desire to invest in their employee's continued training, the one-year timeframe was chosen by the Automatic Extinguishing Systems Advisory Committee as a sufficient amount of time for a trainee to register as an apprentice. Weighing their advice, the OSFM agreed with their assessment.

Section 937(f) is adopted to indicate the trainee position is only a temporary entry-level position and states the timeframe a trainee may be registered.

Necessity: The OSFM proposes this section as it is necessary to describe the terms and conditions of employment and to prevent individuals from working as a trainee for an indefinite amount of time without obtaining the necessary training and education to properly install water-based fire suppression systems.

Section 937(g) is adopted to indicate the timeframe a trainee registration is valid and that it shall be renewed annually.

Necessity: The OSFM proposes this section as it is necessary to establish a timeframe the registration is valid for. It is necessary for the renewal period to be set up to meet the budgetary requirements for the State of California. California State fiscal year is July 1st through June 30th; therefore, the July 1st through June 30th timeframe was chosen to coincide with the State fiscal year. It is necessary that renewals are done every year as the Department of Finance requires renewals be every year.

Section 938(a) to state the minimum requirements for the OSFM to register an apprentice.

Necessity: The OSFM proposes this section as it is needed to outline the specific requirements one needs to meet to become registered as an apprentice.

Section 938(a)(1) is adopted to state the minimum age requirement for apprentice registration.

Necessity: The OSFM proposes this section as it is necessary because the minimum age requirement per the Labor Code for apprenticeship is 16 years of age.

Section 938(a)(2) is adopted to state the specific application form name and number an individual must complete to register as an apprentice.

Necessity: The OSFM proposes this section as it is necessary to complete an application for the OSFM to gather pertinent information of the individual applying for registration and the required fees in Section 925.1 needed to process the application.

Section 938(a)(3) is adopted to require an apprentice to provide proof of enrollment in a State of California approved fire sprinkler fitter apprenticeship program.

Necessity: This proposed section is necessary to verify and ensure applicants applying to be registered as an apprentice are enrolled in a State approved fire sprinkler fitter apprenticeship program and in good standing. Proof is needed to be provided by the applicant as the OSFM would be unnecessarily burdened having to track down enrollment information for every apprentice applicant.

Section 938(a)(4) is adopted to require the apprentice be employed by a licensed CSLB C-16 contractor.

Necessity: The OSFM proposes this section as it is necessary for an applicant who is registering as an apprentice to be employed by a C-16. Only C-16 contractors are able to install fire suppression systems in commercial and multi-family residential buildings within the State of California.

Section 938(b) is adopted to require the OSFM to issue an Apprentice Registration Card to those who have met the minimum requirements.

Necessity: The OSFM proposes this section as it is necessary to issue an apprentice registration card to ensure that those who are installing water-based fire protection systems have a card to prove they are registered as an individual able to perform the installation. This will also provide the SFM, SFM Designee or AHJ a means of verifying that an individual performing installations is registered by the OSFM.

Section 938(c) is adopted to require that an apprentice work under the direct supervision of a Certified Fire Sprinkler Fitter.

Necessity: The OSFM proposes this section as it is necessary for a Certified Sprinkler Fitter to supervise the apprentice due to the apprentice's lack of hands-on experience in the trade.

Section 938(d) is adopted to require the apprentice be employed by a licensed CSLB C-16 contractor.

Necessity: The OSFM proposes this section as it is necessary for an applicant who is registering as an apprentice to be employed by a C-16. Only C-16 contractors are able to install fire suppression systems in commercial and multi-family residential buildings within the State of California.

Section 938(e) is adopted to require the apprentice perform work within the scope of this Chapter and meet any additional standards for this occupation as approved by the California Apprenticeship Council.

Necessity: The OSFM proposes this section as it is necessary to clarify the capacity of work an apprentice can provide on a water-based fire protection systems installation. The requirement that an apprentice meet any additional standards approved by the California Apprenticeship Council is needed as an apprentice enrolled in a State approved apprenticeship program must also adhere to their requirements as well.

Section 938(f) is adopted to indicate the timeframe an apprentice registration is valid and that it shall be renewed annually.

Necessity: The OSFM proposes this section as it is necessary to establish a timeframe the registration is valid for. It is necessary for the renewal period to be set up to meet the budgetary requirements for the State of California. California State fiscal year is July 1st through June 30th; therefore, the July 1st through June 30th timeframe was chosen to coincide with the State fiscal year. It is necessary that renewals are done every year as the Department of Finance requires renewals be every year.

Section 939 to state the minimum requirements for the OSFM to certify a fire sprinkler fitter.

Necessity: The OSFM proposes this section as it is needed to outline the specific requirements one needs to meet to become certified as a fire sprinkler fitter.

Section 939(a)(1) is adopted state the minimum age requirement for fire sprinkler fitter certification.

Necessity: The OSFM proposes this section as it is necessary because the minimum age requirement per the Labor Code is 16 years of age.

Section 939(a)(2) is adopted to state the specific application form name and number to be completed by an individual to be a certified fire sprinkler fitter.

Necessity: The OSFM proposes this section as it is necessary to complete an application for the OSFM to gather pertinent information of the individual applying for certification and the required fees in Section 925.1 needed to process the application.

Section 939(a)(3) is adopted to require an applicant for certification to provide proof of completion of a State of California approved fire sprinkler fitter apprenticeship program or proof of a valid State of California Contractors State License Board Fire Protection Contractor (C-16) License holder.

Necessity: The OSFM proposes this section as it is needed to verify and ensure applicants applying to be certified have completed a State approved fire sprinkler fitter apprenticeship program or is an active CSLB C-16 license holder. Proof is needed to be provided by the applicant as the OSFM would be unnecessarily burdened having to track down apprenticeship program completion information or CSLB licensing information for every certification applicant.

Section 939(a)(3)(A) is adopted to require an applicant for certification to provide proof of completion of a State of California approved fire sprinkler fitter apprenticeship program.

Necessity: The OSFM proposes this section as it is needed to verify and ensure applicants applying to be certified have completed a State approved fire sprinkler fitter apprenticeship program. Proof is needed to be provided by the applicant as the OSFM would be unnecessarily burdened having to track down apprenticeship program completion information for every certification applicant.

Section 939(a)(3)(B) is adopted to require an applicant for certification to provide proof of a valid State of California Contractors State License Board Fire Protection Contractor (C-16) License holder.

Necessity: The OSFM proposes this section as it is needed to verify and ensure applicants applying to be certified hold a valid CSLB C-16 license. Proof is needed to be provided by the applicant as the OSFM would be unnecessarily burdened having to track down CSLB licensing information for every certification applicant.

Section 939(a)(4) is adopted to require applicants to pass a written examination prior to certification.

Necessity: The OSFM proposes this section as it is needed to verify and ensure that applicants not only obtain hands-on installation experience but also have the knowledge of basic fundamentals when installing water-based suppression systems. The written examination is a comprehensive exam that assesses the examinee's knowledge of basic fundamentals of installing water-based fire suppression systems which is necessary to ensure life safety for the citizens of California.

Section 939(b) is adopted to require the OSFM to issue a Certification Card to those who have met the minimum requirements.

Necessity: The OSFM proposes this section as it is necessary to issue a certification card to ensure that those who are installing water-based fire protection systems have a card to prove they are certified as an individual able to perform the installation. This will also provide the SFM, SFM Designee or AHJ a means of verifying that an individual performing installations is certified by the OSFM.

Section 939(c) is adopted to require the certified fire sprinkler fitter be employed by a licensed CSLB C-16 contractor and only perform those tasks which the certificate holder is authorized to perform in accordance with these regulations.

Necessity: The OSFM proposes this section as it is necessary for an applicant who is certified to be employed by a C-16. Only C-16 contractors are able to install fire suppression systems in commercial and multi-family residential buildings within the State of California. It is necessary to establish that the certification is only for the installation of water-based fire suppression systems because work other than installation (such as: inspection, testing, maintenance, installation on one and two family dwellings, etc.) may be done on water-based suppression systems.

Section 939(d) is adopted to indicate the timeframe a certification is valid and that it shall be renewed annually.

Necessity: The OSFM proposes this section as it is necessary to establish a timeframe the certification is valid for. It is necessary for the renewal period to be set up to meet the budgetary requirements for the State of California. California State fiscal year is July 1st through June 30th; therefore, the July 1st through June 30th timeframe was chosen to coincide with the State fiscal year. It is necessary that renewals are done every year as the Department of Finance requires renewals be every year.

Section 940(a) is adopted to require applicants to pass a written examination prior to performing any task(s) within the scope of a certification.

Necessity: The OSFM proposes this section as it is needed to verify and ensure that applicants not only obtain hands-on installation experience but also have the knowledge of basic fundamentals of the codes, regulations, laws, and standards prior to installing water-based suppression systems. The written examination is a comprehensive exam that assesses the examinee's knowledge of basic essentials of national standards and state codes for installing water-based fire suppression systems which is necessary to ensure life safety for the citizens of California.

Section 940(b) is adopted to require any applicant who has failed to schedule an examination within 30 days must forfeit fees and must re-apply with a new AES 1005 application.

Necessity: The OSFM proposes this section as it is needed to establish a cut-off date for applicants to schedule an examination otherwise; applicants may wait an indefinite amount of time to schedule an examination. The application fee must be forfeited as the OSFM has spent the work and time processing the application. After weighing the

OSFM's exam procedures, the 30-day timeframe was determined by the OSFM as a sufficient amount of time for an applicant to contact the OSFM to schedule an exam. A new AES1005 application is needed as the individual who has failed to schedule an examination will be considered a new applicant.

Section 940(c) is adopted to require any applicant who has failed an examination, and who wishes to re-apply, must complete a new AES 1005 application and pay the applicable fees.

Necessity: The OSFM proposes this section as a C-16 license to determine qualification for examination may become expired and it is necessary to re-evaluate if an applicant who has failed an examination still meets the minimum qualifications. A new AES 1005 application is needed as the individual who has failed the examination will be considered a new applicant for the re-evaluation. After weighing the amount of time it takes for the OSFM to process exams, results, and potential challenges to individual questions, the 30-day timeframe was determined by the OSFM as a sufficient amount of time for an applicant to wait to reapply.

Section 940(d) is adopted to provide individuals the right to contest the validity of individual exam questions.

Necessity: The OSFM proposes this section as it is necessary in the interest of fairness. The OSFM allows examinees the right to contest the validity of individual exam questions to ensure technical accuracy, clarity, relevance, and absence of ambiguity and bias.

Section 940(d)(1) is adopted to state the timeframe and process by which an examinee may request a review of his/her exam results.

Necessity: The OSFM proposes this section as it is necessary in the interest of fairness. The OSFM allows examinees the right to request to review their exam results to ensure technical accuracy, clarity, relevance, and absence of ambiguity and bias. However, provisions of State law and the fact that testing materials are subject to future use, means that test items, scoring keys, and other testing materials are legally categorized as confidential information. To balance the need of a candidate to understand their examination performance with our test confidentiality and security concerns. This is why only the general areas of study will be addressed and not specific questions. After weighing the amount of time it takes for the OSFM to process exams and results, the 15-day deadline was determined by the OSFM as a sufficient amount of time for an applicant to request a review. The OSFM requires that requests state the name of examinee, date of exam, and name of exam as this basic information is needed to locate and research a request.

Section 940(d)(2) is adopted to state the timeframe and process by which an examinee may challenge individual exam questions.

Necessity: The OSFM proposes this section as it is necessary in the interest of fairness. The OSFM allows examinees the right to contest the validity of individual exam questions to ensure technical accuracy, clarity, relevance, and absence of ambiguity and bias. It is necessary to establish a cut-off date for applicants to challenge individual examination questions. After weighing the amount of time it takes an individual to research the applicable subject, the 72-hour deadline was determined by the OSFM as a sufficient amount of time for an applicant to request a challenge. The OSFM requires that requests state the name of examinee, date of exam, name of exam, and reason as this basic information is needed to locate and research a request.

Section 940(d)(3) is adopted to state that decisions regarding challenges shall be made by the OSFM and decisions are final.

Necessity: The OSFM proposes this section as it is necessary as the program is administered by the OSFM and challenges will be reviewed on a case-by-case basis. It is necessary to state decisions are final so the OSFM will not be unnecessarily burdened by having to research and review multiple requests for the same question.

Section 940(d)(4) is adopted to state that actions as a result of a challenge shall be reflected in all future examinations but not affect results of any past examination.

Necessity: The OSFM proposes this section as it is necessary in the interest of fairness to apply any changes to contested questions in future examinations. It is necessary to state that past examinations will not be affected because the OSFM will be unnecessarily burdened by having to research and adjust every exam score that contained the contested question when it may or may not affect the result of the exam.

Section 941 is adopted to require that the registered Fire Sprinkler Trainee carry their respective proof of registration upon their person when working within the scope of this Chapter, and that alteration or fraudulent use is prohibited and shall result in suspension and possible revocation.

Necessity: The OSFM proposes this section as it is necessary to ensure that those who are installing water-based fire protection systems have a card to prove they are registered as a qualified individual to perform the installation. This will also provide the SFM, SFM Designee or AHJ a means of verifying that an individual performing installation is certified by the OSFM and to prevent misrepresentation, fraud, identity theft, and the use of invalid documents.

Section 942 is adopted to require that the registered apprentice carry their respective proof of registration upon their person when working within the scope of this Chapter, and that alteration or fraudulent use is prohibited and shall result in suspension and possible revocation.

Necessity: The OSFM proposes this section as it is necessary to ensure that those who are installing water-based fire protection systems have a card to prove they are registered as a qualified individual to perform the installation. This will also provide the

SFM, SFM Designee or AHJ a means of verifying that an individual performing installation is certified by the OSFM and to prevent misrepresentation, fraud, identity theft, and the use of invalid documents.

Section 943 is adopted to require that the certified fitter carry his/her respective proof of certification upon their person when working within the scope of this Chapter, and that alteration or fraudulent use is prohibited and shall result in suspension and possible revocation.

Necessity: The OSFM proposes this section as it is necessary to ensure that those who are installing water-based fire protection systems have a card to prove they are certified as a qualified individual to perform the installation. This will also provide the SFM, SFM Designee or AHJ a means of verifying that an individual performing installation is certified by the OSFM and to prevent misrepresentation, fraud, identity theft, and the use of invalid documents.

Section 944(a) is adopted to require renewal, and payment of renewal fees, of a certification or registration be made in writing on a notice provided by the OSFM on or before May 1st of the year in which the current certification or registration expires, if not, a late fee will be charge.

Necessity: The OSFM proposes this section as it is necessary to establish a timeframe the certification is valid for. It is necessary for the renewal period to be set up to meet the budgetary requirements for the State of California. California State fiscal year is July 1st through June 30th; therefore, the July 1st through June 30th timeframe was chosen to coincide with the State fiscal year and to conform to other OSFM programs that is statutory required. It is necessary that renewals are done every year as the Department of Finance requires renewals be every year. It is necessary to require renewals be made two months prior to the expiration date. By setting this deadline it allows the OSFM adequate time to notice all certificate and registration holders and for them to return their notice of renewal for processing. In addition, it has been determined from those other programs that this timeframe has been tried and tested and found to work effectively. It is necessary to collect fees to cover the operating costs associated with processing a late renewal request. The 50% penalty is an OSFM standard amount amongst all its programs due to statutory requirement.

Section 944(b) is adopted to require an original application from a certified or registered individual if a certification or registration has expired.

Necessity: The OSFM proposes this section as it is necessary to request the individual to complete a new application so the OSFM may re-evaluate the individual's qualifications. This also places the responsibility to maintain the validity of certificates or registrations on those who hold the credentials, otherwise without harsh consequences; the SFM would be unnecessarily burdened having to track down those who have not renewed. This maintains consistency with Sections 937(g), 938(f), and 939(d).

Section 944(c) is adopted to require that every 3 years, proof of completion of CEUs be submitted along with the notice of renewal as well as stipulate the process for noncompliance.

Necessity: The OSFM proposes this section as it is necessary to ensure fitters remain current in the changing standards of their profession. It is necessary to request proof of completion of CEUs every 3 years because the national standard updates and changes every 3 years. Proof is needed to be provided by the applicant as the OSFM would be unnecessarily burdened having to track down CEU course completion information for every certified fitter's renewal. Renewals made without proof of completion need to be rejected because without proof, the OSFM has no way of verifying that the certified fitter has knowledge to properly install water-based fire protection systems to the current standards. The process for noncompliance is necessary to provide a certified fitter a means to reapply for certification once the CEU's have been met. The requirement to reapply is necessary to re-evaluate if a certified fitter who has failed to provide proof of CEU completion still meets the minimum qualifications of a certified fitter. An AES 1005 application from the individual who has failed to comply will be considered a new applicant for re-evaluation and the written examination is required for all new applicants.

Section 945(a) is adopted to state the minimum age requirement.

Necessity: The OSFM proposes this section as it is necessary because the minimum age requirement pursuant to the Labor Code is 16 years of age.

Section 945(b) is adopted to specify the application name and number required to apply for certification and the type of documentation required be submitted in conjunction with the certification application.

Necessity: The OSFM proposes this section as it is necessary to complete an application for the OSFM to gather pertinent information and proof of meeting the minimum requirements from the individual applying for certification.

Section 945(b)(1) is adopted to state an applicant may provide documentation he/she meets the minimum time requirements of Section 945(c) or (d) and has completed a California State or federally approved Fire Sprinkler Fitter Apprenticeship Program to apply for certification.

Necessity: The OFSM proposes this section as it is necessary to outline that the minimum qualifications are stated in Section 945(c) and (d) which an applicant for certification must have along with proof they have completed a State approved fire sprinkler fitter apprenticeship program. Proof is needed to be provided by the applicant as the OSFM would be unnecessarily burdened having to track down the qualification documentation for every applicant.

Section 945(b)(2) is adopted to state an applicant may provide proof he/she holds a valid CSLB C-16 license to apply for certification.

Necessity: The OSFM proposes this section as it is needed to verify and ensure applicants applying to be certified have completed a State approved fire sprinkler fitter apprenticeship program or is an active CSLB C-16 license holder. Proof is needed to be provided by the applicant as the OSFM would be unnecessarily burdened having to track down apprenticeship program completion information or CSLB licensing information for every certification applicant.

Section 945(b)(3) is adopted to state an applicant may provide documentation he/she meets the minimum time requirements of Section 945(c) or (d) and has obtained training through an out-of-state apprenticeship program such training shall be evaluated using the California Division of Apprenticeship Standards (DAS) - Minimum Industry Training Criteria (MITC) for Pipe Trades.

Necessity: The OSFM proposes this section as it is necessary to provide those who have obtain training from out-of-state a method and a means of obtaining certification. The California Division of Apprenticeship Standards (DAS) - Minimum Industry Training Criteria (MITC) for Pipe Trades is the approved and agreed upon minimum training standard used for the California Fire Sprinkler Fitter Apprenticeship Programs thus the OSFM will use this standard to evaluate out-of-state training.

Section 945(c) is adopted to specify the minimum qualifications required to apply for commercial certification.

Necessity: The OSFM proposes this section as it is needed to outline the specific minimum qualifications to become certified as a commercial fire sprinkler fitter.

Section 945(c)(1) is adopted to specify that 7000 hours in a State or federally approved fire sprinkler fitter apprenticeship program and 5 years of experience within the scope of these regulations.

Necessity: The OSFM proposes this section as it is necessary to create a minimum standard timeframe and experience for which a commercial certification must be measure to. The requirement of 7000 hours is based on the minimum an individual has in the trade. The average amount of hours accrued in a year is 2000 hours not withstanding layoffs. The 5 year requirement is based on average amount of years a person is enrolled in a California Fire Sprinkler Fitter Apprenticeship program. Therefore, the Automatic Extinguishing Systems Advisory Committee felt this is a sufficient amount of hours and time in the trade. Weighing their advice, the OSFM agreed with their assessment, making 7000 hours and 5 years of experience the minimum standard for installing a commercial water-based fire suppression system.

Section 945(c)(2) is adopted to specify that employment experience and hours shall be provided in a letter(s), on company letterhead, from the applicant's current and/or former employer(s) certifying, under penalty of perjury, the applicant's experience and hours.

Necessity: The OFSM proposes this section as it is necessary to outline the specific method an applicant for commercial certification must use to provide proof of experience hours. Only the applicant's employer can attest to the applicant's experience therefore this is the reason for the letter of declaration on company letterhead. The penalty of perjury statement is required to prevent fraudulent letters of experience and "self-certification".

Section 945(d) is adopted to specify the minimum qualifications required to apply for multi-family residential certification.

Necessity: The OSFM proposes this section as it is needed to outline the specific minimum qualifications to become certified as a multi-family residential fire sprinkler fitter.

Section 945(d)(1) is adopted to specify that 3500 hours in a State or federally approved fire sprinkler fitter apprenticeship program and 2 years of experience within the scope of these regulations.

Necessity: The OSFM proposes this section as it is necessary to create a minimum standard timeframe and experience for which a multi-family residential certification must be measured to. The requirement of 3500 hours is based on the minimum an individual has in the trade. The average amount of hours accrued in a year is 2000 hours not withstanding layoffs. Therefore, the Automatic Extinguishing Systems Advisory Committee determined this is a sufficient amount of hours and time in the trade. Weighing their advice, the OSFM agreed with their assessment, making 3500 hours and 2 years of experience the minimum standard for installing a multi-family residential water-based fire suppression system.

Section 945(d)(2) is adopted to specify that employment experience and hours shall be provided in a letter(s), on company letterhead, from the applicant's current and/or former employer(s) certifying, under penalty of perjury, the applicant's experience and hours.

Necessity: The OFSM proposes this section as it is necessary to outline the specific method an applicant for multi-family residential certification must use to provide proof of experience hours. Only the applicant's employer can attest to the applicant's experience therefore this is the reason for the letter of declaration on company letterhead. The penalty of perjury statement is required to prevent fraudulent letters of experience and "self-certification".

Section 945(e) is adopted to allow applicants who have been certified but allowed their certification to lapse to take an examination without meeting the requirements of 945(b), (c) or (d).

Necessity: The OFSM proposes this section as it is necessary to provide a means for the OSFM to expedite the application process for those who have previously been evaluated and certified. The examination is still required to assess if the applicant still

possess the current and basic knowledge and standards of installing a water-based fire suppression systems.

Section 945(f) is adopted to require the OSFM to compile Trainee and Apprentice Registrations and Fitter Certifications in a database and linked to the OSFM website.

Necessity: The OFSM proposes this section as it is necessary to have a single source for anyone who would like to verify the validity of an individual possessing a certification or registration without contacting the OSFM. Without this database the OSFM would be unnecessarily burdened having to track down certification and registration information for each inquiry.

Section 946 Continuing Education is adopted to require a certified fire sprinkler fitter complete 3 units of accredited continuing education units within a 3 year period and determine process if requirement is not met.

Necessity: The OFSM proposes this section as it is necessary so a certified fire sprinkler fitter maintains the knowledge and basic essentials of ever-changing national standards and state codes for installing water-based fire suppression systems which is necessary to ensure life safety for the citizens of California. It is necessary to require proof of completion every 3 years due to the fact that the national standards change on a 3 year cycle basis. Three units was determined by the Automatic Extinguishing Systems Advisory Committee and felt this is a sufficient amount of units to stay current with the updates of the national standards. Weighing their advice, the OSFM agreed with their assessment. The requirement to reapply is necessary to re-evaluate if a certified fitter who has failed to provide proof of CEU completion still meets the minimum qualifications of a certified fitter. An AES 1005 application from the individual who has failed to comply will be considered a new applicant for re-evaluation and the written examination is required for all new applicants.

Section 946.1(a) is adopted to require that the OSFM maintain a CEU training course list on their website.

Necessity: The OFSM propose this section as it necessary to provide certified fire sprinkler fitters a single source to obtain a list of CEUs available.

Section 946.1(b) is adopted to specify the process by which a provider registers and lists a CEU course.

Necessity: The OFSM proposes this section as it is needed to outline the required document to list a CEU course with the OSFM.

Section 946.1(b)(1) is adopted to state the specific application form name and number an individual must complete to list a sprinkler fitter commercial or multi-family residential CEU course.

Necessity: The OSFM proposes this section as it is necessary to complete an application for the OSFM to gather pertinent information of the course and provider

applying for registration and the required fees in Section 925.1 needed to process the application.

Section 946.1(b)(2) is adopted to require that an application to place a CEU training course on the OSFM approved training list be submitted a minimum of 45 days prior to training.

Necessity: The OFSM proposes this section as it is necessary to provide the OSFM adequate time to review and approve the training course prior to the course being offered. Taken in to account the time it will take to process applications and verify courses, the OSFM determined that 45 days is sufficient time.

Section 946.1(b)(3) is adopted state that the registered training shall be listed on OSFM website for 3 years.

Necessity: The OFSM propose this section as it is necessary to establish a timeframe for CEUs to remain on the OSFM approved training list because standards change and training courses may become outdated. Therefore, OSFM deems it necessary to re-evaluate CEU training courses due to the fact that the national standards change on a 3 year cycle basis every 3 years.

Section 946(c) is adopted to require all CEU's be in accordance with an accredited institution following a national standard.

Necessity: The OSFM proposes this section as it is necessary to require courses to follow the American National Standards Institute (ANSI)/International Association of Continuing Education and Training (IACET)'s national standard to ensure that providers of continuing education and training can prove they provide high-quality instruction. By requiring the course be offered by accredited institutions this ensures that courses have been scrutinized, evaluated, and held to a high standard of learning.

Section 946(g) is adopted to allow the OSFM to coordinate with the DAS while compiling data for registered apprentices.

Necessity: The OSFM proposes this section as it is necessary to share data with the DAS to verify apprentice enrollment.

Section 947(a) is adopted to state the provisions of Section 947 shall supersede the requirements of Section 926 and 945 and those who meet the requirements of the section do not have to take an examination within the first 180 days.

Necessity: The OSFM propose this section as it is necessary to have a period of time after the effective date of the regulations for fire sprinkler fitters to meet these regulations. The 180 days will allow for fire sprinkler fitters working on job sites and within businesses the necessary time to comply with the new regulations; eliminating delays in construction and businesses. By allowing those who meet the requirements of Section 945 to forego the exam within the first 180 days, this will ensure that there is no delay in construction. It is necessary to supersede Section 926 and 945 during this

timeframe due to the fact that registration is not required on site until the 18 months from the effective date of these regulations.

Section 947(a)(1) is adopted to state those who are a Journeyman Fire Sprinkler Fitter or who possess a C-16 shall not be required to take an examination within the first 180 days of the effective date of this Chapter.

Necessity: The OSFM propose this section as it is necessary as it will allow for fire sprinkler fitters working on job sites and within businesses the necessary time to comply with the requirements of the new regulations; eliminating delays in construction and businesses. By allowing those who meet the requirements of Section 945 to forego the examination within the first 180 days, this will ensure that there is no delay in construction.

Section 947(2) is adopted to state the application name and the requirement that the applicant shall provide documentation he/she meets the minimum requirements of the section.

Necessity: The OSFM proposes this section as it is necessary to complete an application and provide documentation of meeting the minimum qualifications for the OSFM to gather pertinent information of the individual applying for certification needed to process and approve the application.

Section 947(2)(A) is adopted to state the minimum qualifications for commercial certification.

Necessity: The OSFM proposes this section as this is needed to distinguish between commercial and multi-family residential certification. It also is to clarify who is qualified and permitted to conduct installation of Commercial water-based fire suppression systems.

Section 947(2)(A)(i) is adopted to state that commercial certification requires 7000 hours of work experience.

Necessity: The OSFM proposes this section is necessary so an individual applying for commercial certification knows the minimum number of hours needed. The requirement of 7000 hours is based on the minimum an individual has in the trade. The average amount of hours accrued in a year is 2000 hours not withstanding layoffs. Therefore, the Automatic Extinguishing Systems Advisory Committee felt this is a sufficient amount of hours and time in the trade. Weighing their advice, the OSFM agreed with their assessment, making 7000 hours of experience the minimum standard for installing a commercial water-based fire suppression system.

Section 947(2)(A)(ii) is adopted to state that commercial certification requires 5 years of working within the scope of these regulations.

Necessity: The OSFM proposes this section is necessary so an individual applying for commercial certification knows the minimum number of years needed. The 5 year requirement is based on average amount of years a person is enrolled in a California Fire Sprinkler Fitter Apprenticeship program. Therefore, the Automatic Extinguishing Systems Advisory Committee felt this is a sufficient amount of hours and time in the

trade. Weighing their advice, the OSFM agreed with their assessment of 5 years experience as the minimum standard for installing a commercial water-based fire suppression system.

Section 947(2)(B) is adopted to state the minimum qualifications for multi-family residential certification.

Necessity: The OSFM proposes this section as this is needed to distinguish between commercial and multi-family residential certification. It also is to clarify who is qualified and permitted to conduct installation of multi-family water-based fire suppression systems.

Section 947(2)(B)(i) is adopted to state that multi-family residential certification requires 3500 hours of work experience.

Necessity: The OSFM proposes this section as it is necessary to create a minimum standard timeframe and experience for which a multi-family residential certification must be measure to. The requirement of 3500 hours is based on the minimum an individual has in the trade. Therefore, the Automatic Extinguishing Systems Advisory Committee felt this is a sufficient amount of hours in the trade. Weighing their advice, the OSFM agreed with their assessment, making 3500 hours of experience the minimum standard for installing a multi-family residential water-based fire suppression system.

Section 947(2)(B)(ii) is adopted to state that multi-family residential certification requires 2 years of working within the scope of these regulations.

Necessity: The OSFM proposes this section as it is necessary to create a minimum standard timeframe and experience for which a multi-family residential certification must be measure to. Therefore, the Automatic Extinguishing Systems Advisory Committee felt this is a sufficient amount of years in the trade. Weighing their advice, the OSFM agreed with their assessment of 2 years experience as the minimum standard for installing a commercial water-based fire suppression system.

Section 947(3) is adopted to state *“The employment hours shall be verified by letter on company letterhead certifying the experience and hours from the fire sprinkler fitter’s employer and shall be approved by the Office of the State Fire Marshal.”*

Necessity: The OSFM propose this section as it is necessary to clarify the specific method by which an applicant must provide verification of his/her employment experience and hours. This is needed to avoid fraudulent reporting of employee’s experience and hours and to avoid “self-certification.”

Section 947(b) is adopted to not require a certification card on jobsites within 365 days of the effective date of the regulations.

Necessity: The OSFM propose this section as it is necessary to provide adequate time for fire sprinkler fitters to comply with the qualifications and to obtain a certification card. Weighing the time it takes to obtain qualifications, apply for certification, the estimated time it will take for the OSFM to validate the qualifications, and process applications, the AES Advisory Committee felt the 365 day timeframe is an adequate amount of time for

fire sprinkler fitters to obtain a certification card. Weighing their advice, the OSFM agreed with their assessment.

Section 947(c) is adopted to require a minimum of 1 certificate holder on each job site commencing on the 366th day of the effective date of this Chapter.

Necessity: The OSFM proposes this section as it is necessary for the safety of life and property of the citizens of California. By requiring a minimum of 1 certificate holder on each job site this will ensure that installation of water-based fire suppression systems are being performed by qualified fire sprinkler fitters vetted by the OSFM through the application process. Weighing the time it takes to obtain qualifications, apply for certification, the estimated time it will take for the OSFM to validate the qualifications, and process applications, the AES Advisory Committee felt the 366 day timeframe is an adequate amount of time for fire sprinkler fitters to obtain a certification card. Weighing their advice, the OSFM agreed with their assessment.

Section 947(d) is adopted to require that beginning on the 545th day of the effective date of these regulations; all persons performing installation of water-based fire protection systems possess a certification or registration card.

Necessity: The OSFM proposes this section as it is necessary for the safety of life and property of the citizens of California. By requiring a minimum of 1 certificate holder on each job site this will ensure that installation of water-based fire suppression systems are being performed by qualified fire sprinkler fitters vetted by the OSFM through the application process. Weighing the time it takes to obtain qualifications, apply for certification, the estimated time it will take for the OSFM to validate the qualifications, and process applications, the AES Advisory Committee felt the 545 day timeframe is an adequate amount of time for fire sprinkler fitters to obtain a certification or registration card. Weighing their advice, the OSFM agreed with their assessment.

Section 947(e) is adopted to state that this section shall cease to have effect on the 546th day from the effective date of these regulations and all requirements shall be met.

Necessity: The OSFM propose this section as it is necessary to give a deadline for fire sprinkler fitters to meet the requirements of the regulations so individuals may not work for an indefinite amount of time without compliance with these regulations. This will ensure the water-based fire suppression industry the necessary time to comply and eliminate delays in construction. After weighing the time it takes to obtain qualifications, apply for certification, the estimated time it will take for the OSFM to validate the qualifications, and process applications, the AES Advisory Committee felt the 546 day timeframe is an adequate amount of time for fire sprinkler fitters to obtain a certification or registration card. Weighing their advice, the OSFM agreed with their assessment.

Section 948 is adopted to provide the name and number of the application forms used for certification, registration, CEU course registration, and card replacement.

Necessity: The OSFM proposes the incorporation by reference for the following administrative forms: AES 1005, 1005A, 1006, and 1007, dated December 4, 2015. Any standards incorporated by reference in this action are formal publications reasonably available from a commonly known source, were available from the Office of the State

Fire Marshal (OSFM) at any time during the rulemaking action is also available on the OSFM website or from the OSFM at any time during the rulemaking action. Neither the standards nor forms incorporated by reference in this action will be printed in the California Code of Regulations because to do so would be cumbersome, unduly expensive, and otherwise impractical. It is necessary to have specific application forms to gather pertinent information about applicants to document their compliance with these regulations and to be entered in a searchable database.

Section 948 Form AES 1005(12/04/15) - The Sprinkler Fitter Certification Application is incorporated by reference.

Necessity: The OSFM proposes this application form to give those seeking certification a standard form to provide the OSFM the pertinent information about the applicant which will be inputted in the searchable database. Section I of the form is necessary for the OSFM to ensure the applicants are aware of the required supporting documentation and fee that must be submitted along with the application. Section II is necessary for the OSFM to identify that the individual applying for certification is a real person and to print the individual's general information on the certification card. It is necessary to ask if the applicant has taken the certification examination within the past 30 days as the applicant may not take another examination if he/she has failed one in the past 30 days. Section III is necessary for the OSFM to confirm that the applicant is employed by a valid C-16. Section IV is necessary to ensure that the OSFM's cashiers unit receives the application at the correct address and that payments are made payable to CAL FIRE so they can be deposited in the associated account. It is necessary to require payments be in the form of a check or money order as the OSFM is only set up to accept these types of payment. Section V is necessary to prevent individuals from misrepresentation, providing false statements, fraud, and obtaining a certification under false pretenses. The release of liability statement is necessary to provide the OSFM a layer of protection from being sued if something were to go wrong. The requirement of a signature and date is necessary because a document is not considered valid and legal unless it is signed and dated. The requirement for the application to be notarized is necessary to ensure that the applicant's identity has been verified by a third party notary and to further prevent fraud.

Section 948 Form AES 1005A(12/04/15) - Apprentice/Trainee Registration Application is incorporated by reference.

Necessity: The OSFM proposes this application form to give those seeking registration a standard form to provide the OSFM the pertinent information about the applicant which will be inputted in the searchable database. Section I of the form is necessary to indicate to the OSFM which type of registration is being applied for and the associated fees required. Section II is necessary for the OSFM to identify that the individual applying for certification is a real person and to print the individual's general information on the registration card. Section III is necessary for the OSFM to confirm that the applicant is employed by a valid C-16. Section IV is necessary to ensure that the

OSFM's cashiers unit receives the application at the correct address and that payments are made payable to CAL FIRE so they can be deposited in the associated account. It is necessary to require payments be in the form of a check or money order as the OSFM is only set up to accept these types of payment. Section V is necessary to prevent individuals from misrepresentation, providing false statements, fraud, and obtaining a registration under false pretenses. The release of liability statement is necessary to provide the OSFM a layer of protection from being sued if something were to go wrong. The requirement of a signature and date is necessary because a document is not considered valid and legal unless it is signed and dated. The requirement for the application to be notarized is necessary to ensure that the applicant's identity has been verified by a third party notary and to further prevent fraud.

Section 948 Form AES 1006(12/04/15) - Sprinkler Fitter Replacement

Certification/Registration ID Card Application is incorporated by reference.

Necessity: The OSFM proposes this application form to give those seeking registration a standard form to provide the OSFM the pertinent information about the applicant. Section I of the form is necessary to indicate to the OSFM what item is being requested to be replaced and the associated fees required. The certification/registration number is necessary to allow the OSFM to research and validate the applicant's certification or registration being request. Section II is necessary for the OSFM to identify that the individual applying for certification/registration is a real person, that there is no changes to the information, and to print the individual's general information on the certification/registration card. Section III is necessary to prevent individuals from misrepresentation, providing false statements, fraud, and obtaining a registration under false pretenses. The requirement of a signature and date is necessary because a document is not considered valid and legal unless it is signed and dated. Section IV is necessary to ensure that the OSFM's cashiers unit receives the application at the correct address and that payments are made payable to CAL FIRE so they can be deposited in the associated account. It is necessary to require payments be in the form of a check or money order as the OSFM is only set up to accept these types of payment.

Section 948 Form AES 1007(12/04/15) - Sprinkler Fitter Commercial and Multi-Family Residential CEU Course Registration Application is incorporated by reference.

Necessity: The OSFM proposes this application form to give those seeking commercial and multi-family residential CEU course registration a standard form to provide the OSFM the pertinent information about the applicant and course(s) which will be inputted in the searchable database. Preface A is necessary to clarify to the applicant what the application is used for and to indicate the location of the regulatory requirements. Part I(A) of the form is necessary for the OSFM to identify the individual applying for registration and that he/she is a real person. Part I(B) is necessary as it is for the OSFM to identify the CEU provider's organization's name and address which will be inputted in the searchable database. Part I(C) is necessary because businesses

may not receive mail at their physical address and the OSFM needs a mailing address as the OSFM may need to contact the course provider for verification purposes or to provide additional information. Part I(D) is necessary because it is unnecessarily burdensome, especially for large organizations, for the OSFM to research contact information for a course provider. Part II is necessary because it provides the OSFM the pertinent information about the course for which approval and listing is being sought, and so this information may be displayed on the searchable database. The penalty of perjury statement is necessary to prevent individuals from misrepresentation, providing false statements, fraud, and obtaining a registration under false pretenses. The requirement of a signature and date is necessary because a document is not considered valid and legal unless it is signed and dated. Part III is necessary to indicate to the applicant the associated fees required, ensure that the OSFM's cashiers unit receives the application at the correct address, and that payments are made payable to CAL FIRE so they can be deposited in the associated account. It is necessary to require payments be in the form of a check or money order as the OSFM is only set up to accept these types of payment. The statement that the fee is non-refundable is necessary because the OSFM has spent the work and time processing the application and therefore the fee must be forfeited.